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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91220573
Party	Plaintiff Miss Universe L.P., LLLP
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**MISS UNIVERSE L.P., LLLP,**

**Opposer,**

**v.**

**LINDA GRANDIA,**

**Applicant.**

**Opposition No.: 91220573**

**OPPOSER'S REPLY IN FURTHER SUPPORT OF ITS  
MOTION TO EXTEND DISCOVERY AND TRIAL DATES**

**I. Introduction**

Opposer, Miss Universe L.P., LLLP ("Opposer") hereby submits this reply in further support of its motion, pursuant to TBMP §509.01(a), for an extension of the close of discovery for sixty days, and corresponding extension of all testimony periods as set forth in its moving papers. As established in Opposer's moving papers, the requested extension of time is not the result of Opposer's lack of diligence or unreasonable delay in taking action within the existing discovery period.

Applicant Linda Grandia's ("Applicant") opposition to the present motion fails to rebut Opposer's showing that its request for a sixty day extension is based upon good cause. The requested extension is necessary for Opposer to: (a) procure outstanding discovery responses, information, and documents that Applicant has refused to produce; (b) examine evidence after production; (c) prepare expert disclosures, if any; (d) prepare for and conduct depositions; and (e) prepare Opposer's evidence for trial.

Applicant mistakenly states that Opposer's sole basis for its request to extend the discovery period is Applicant's five day delay in serving responses to Opposer's Discovery Requests. In fact, the extension of time is necessitated by Applicant's failure to provide proper responses, relevant information and documents in response to Opposer's Discovery Requests. To date, Applicant has refused to produce information that is relevant to the parties' claims and defenses in this matter and has failed to address outstanding discovery disputes in good faith, making it impossible for Opposer to complete the discovery necessary to adequately prepare its case. Applicant has chosen to dismiss two different attorneys since the commencement of this proceeding, and has chosen to represent herself. Therefore, Opposer has thus far refrained from moving to compel proper discovery responses, in favor of communicating the nature of the deficiencies to Applicant and resolving the matters without the Board's intervention. Unfortunately, as Applicant refuses to meet and confer or to comply with her discovery obligations, Opposer has no choice but to make a motion to compel proper discovery responses and information.

## **II. Applicant Has Failed to Rebut Opposer's Showing That Good Cause Exists for the Requested Extension of Time**

Applicant argues that the requested extension of time should be denied because Opposer has had sufficient time in which to conduct discovery and is moving to extend the discovery period as a tactic to delay the opposition proceeding. This argument has no basis. Throughout the discovery period, Opposer has made multiple attempts to resolve discovery disputes directly with Applicant. Applicant has repeatedly refused to comply with her discovery obligations, making it difficult, if not impossible, to conduct discovery. Indeed, in opposition to this motion, Applicant confirms that she "will not answer any differently to discovery questions therefore more time will not produce further information to the opposing party." Opposer has attempted to

meet and confer with Applicant in order to once again explain to Applicant her discovery obligations before moving to compel, particularly because Applicant is *pro se* and therefore unfamiliar with the requirements of the TTAB and Federal Rules. However, Applicant refuses to cooperate.

Applicant's *pro se* status does not excuse her of her obligations under the Rules. In fact, the TTAB has explained that "[s]trict compliance with the Trademark Rules of Practice, and, where applicable, the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel." *McDermott v. San Francisco Women's Motorcycle Contingent*, 81 U.S.P.Q.2d 1212, 1212 n. 2 (T.T.A.B. 2006).

Opposer served Applicant with Requests for the Production of Documents and Things and Interrogatories (collectively, "Opposer's Discovery Requests") on November 10, 2015.<sup>1</sup> Applicant failed or refused to respond to Opposer's Discovery Requests by the December 15, 2015 deadline required by the TTAB Rules. Therefore, Opposer would have been within its rights to aver that Applicant waived all objections. Nevertheless, particularly as Applicant is acting *pro se*, Opposer's counsel sent a letter to Applicant advising her that she had missed the deadline and requesting responses. Five days later, on December 20, 2015, only after receiving a letter from Opposer's counsel advising Applicant of her discovery obligations, Applicant served written responses and objections that: (a) provided nearly no responsive information; (b) failed to indicate whether Applicant conducted a diligent search of her records; and (c) failed to represent

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<sup>1</sup> Applicant wrongly states in her opposition to the present motion that Opposer served 105 interrogatories in violation of F.R.C.P. Rule 33 and 37 C.F.R. § 2.210(d)(1). Applicant incorrectly conflates the Requests for Production of Documents and Things, Interrogatories and Requests for Admission. In fact, Opposer served 40 Requests for Production of Documents and Things, 44 Interrogatories and 10 Requests for Admission. Such requests are well within Opposer's rights and in compliance with the Federal Rules of Civil Procedure and the Trademark Board Manual of Procedure. Pursuant to 37 C.F.R. § 2.210(d)(1), a party may serve up to 75 written interrogatories, including subparts. Opposer's interrogatories are in accordance with these requirements.

whether responsive documents exist. Applicant's initial responses and objections to Opposer's Discovery Requests are attached as Exhibit A for the Board's reference. Applicant thereafter refused to consent to a sixty day extension of the discovery period and stipulated only to a thirty day extension.

On January 12, 2016, after the intervening holidays, Opposer explained to Applicant in detail the deficiencies with her responses to Opposer's Discovery Requests and requested that she revise her responses and objections and produce responsive documents. Applicant thereafter served supplemental responses and objections that were similarly nonresponsive and once again failed to indicate whether she conducted a diligent search of her records or whether responsive documents exist. Applicant's supplemental responses and objections to Opposer's Discovery Requests are attached as Exhibit B for the Board's reference. Opposer thereafter requested that Applicant consent to a sixty day extension of all dates in order to allow time to once again explain to Applicant her discovery obligations and allow Applicant to address the deficiencies with her supplemental responses.

Applicant responded by explicitly refusing to meet and confer, or to consent to any extension whatsoever of the existing TTAB deadlines. Applicant claims that she "diligently revised 105 complex legal questions." However, her supplemental responses merely restate the objections made in her initial responses or incorrectly claim that Opposer's requests for relevant information are a "fishing expedition." Applicant has frustrated the discovery process by refusing to cooperate and neglecting her duties to search her records and supplement discovery responses, among others. As such, an extension of the discovery deadlines and corresponding dates is necessary for Opposer to attempt to confer further with Applicant regarding the remaining discovery deficiencies, or move to compel proper responses.

Applicant repeatedly argues in her opposition that Opposer allowed her a period of only five working days from its January 12 letter to revise her response and objections to Opposer's Discovery Requests. However, Applicant fails to recognize that, in fact, Applicant had thirty-five days pursuant to TMBP § 406.04(a) to provide responses and produce responsive documents, during which she produced nothing. In fact, Opposer permitted Applicant to submit her initial responses six days past the deadline for responses required by the TTAB.

While not relevant to this motion, Applicant also incorrectly claims that Opposer served its responses to Applicant's Requests for Admission one day late. Applicant served Opposer's counsel with Requests for Admission by first class mail on December 21, 2015. Opposer's counsel served written responses and objections to Applicant's Requests for Admission on January 25, 2016 via Federal Express. As a courtesy, Opposer's counsel also sent a copy via email on January 25, 2016, despite no requirement to do so. A copy of the Federal Express receipt and courtesy email is attached as Exhibit C. Pursuant to TMBP § 113, service is deemed complete on the date of mailing or delivery to the courier. Therefore, service of Opposer's responses to Applicant's Requests for Admission were timely served upon delivery to Federal Express on January 25, 2016. Applicant's receipt of the courtesy email copy of Opposer's responses to Applicant's Requests for Admission on January 26, 2016, due to the time difference where she is located in the Netherlands, does not constitute late service. Opposer thus timely served its responses and objections to Applicant's Requests for Admission pursuant to TMBP §§ 113 and 411.01.

In order to preserve its rights, it is likely that Opposer will need to file a motion with the Board to compel Applicant to satisfy her discovery obligations. However, to save the Board's time and resources, Opposer requires sufficient time to first attempt to confer with Applicant

regarding her discovery obligations in an effort to resolve or narrow the issues for consideration by the Board.

### **III. Conclusion**

For all of the foregoing reasons, together with those stated in Opposer's moving papers, and upon good cause shown pursuant to TBMP §509.01(a), Opposer requests a sixty (60) extension of the discovery deadline and resetting of all subsequent deadlines.

Dated: New York, New York  
February 11, 2016

Respectfully submitted,

KELLEY DRYE & WARREN LLP



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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the foregoing Motion to Extend Discovery and Trial Dates to be served on Applicant, this 11 day of February 2016, via email and FedEx and to:

Linda Grandia  
G & G Exchange  
Kepplerstreet 13  
Amersfoort, 3817TA  
Netherlands  
info@missmultiverse.com

  
\_\_\_\_\_  
Kelli D. Ortega



## **EXHIBIT A**



No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

#### GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## REQUESTS FOR PRODUCTION

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Respondents") respond and object to Opposing Counsel's Request for Document Production ("Production") as set forth below.

- 1) All Documents and things which relate or refer to Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark, including but not limited to any investigations or searches, and all documents which indicate the first date of adoption and use of the MISS MULTIVERSE Mark by Applicant in the United States.

***Answer to request No. 1:** Plaintiffs object to this Request as being equally available. The information sought is publically available to the opposing party in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties." Subject to and without waiving the foregoing objections, Plaintiff responds that information may be readily available within the attached exhibits that are responsive to this request.*

- 2) All Documents and things which relate to any trademark searches performed by Applicant or on its behalf regarding the adoption of the MISS MULTIVERSE Mark, including any opinion letters, if any.

***Answer to request No. 2:** Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Plaintiffs object to this Request as being equally available. The information sought is publically available to the opposing party in the USPTO website and easily accessible via the trademark tools and links. Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 3) All Documents and things regarding the formation of G & G Exchange.

***Answer to request No. 3:** Plaintiffs object to this Request as being equally available. The information sought is publically available to the opposing party in the Netherlands Government KVK registration website and easily accessible. Defendants object this Request on the grounds that the constitution of G&G Exchange is irrelevant to a dispute of brand confusion, therefore opposer seeks disclosure of confidential information that is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion". Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 4) Documents sufficient to identify the officers, board, investors, and donors of the G &G Exchange.

***Answer to request No. 4:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 5) Documents sufficient to identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

***Answer to request No. 5:** Defendant objects to this Request on the ground that it seeks disclosure of confidential third party employee, contractors and business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements. Defendant object to this Request insofar as it seeks production of information that is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 6) Financial Documents sufficient to demonstrate in detail the expenses and revenues associated with each of the MISS MULTIVERSE Services.

***Answer to request No. 6:** Defendants object to this Request on the grounds that it seeks the disclosure of financial and confidential information that is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion".*

- 7) All Documents and things which relate or refer to Applicant's application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

***Answer to request No. 7:** Plaintiffs object to this Request as being equally available. The information sought is publically available to the opposing party in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally avail-able to both parties."*

- 8) All Documents and things relating to Applicant's registration and use of the domain name misssmultiverse.com including but not limited to any transfer, renewal or sale of the domain name.

***Answer to request No. 8:** Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."*

- 9) Screen shots of all pages from the website to which Applicant's domain name msmultiverse.com resolves or resolved.

**Answer to request No. 9:** *Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available back links domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."*

- 10) All Documents relating to Applicant's registration and use of the domain name. msmultiverse.com, including but not limited to any transfer, renewal or sale of the domain name.

**Answer to request No. 10:** *Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."*

- 11) Screen shots of all pages from the website to which Applicant's domain name msmultiverse.com resolves or resolved.

**Answer to request No. 11:** *Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to the propounding party."*

- 12) All Documents relating to Applicant's registration and use of the domain name mrsmultiverse.com , including but not limited to any transfer, renewal or sale of the domain name.

**Answer to request No. 12:** *Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to the propounding party."*

- 13) All Documents relating to Applicant's registration and use of the domain name mrsmultiverse.com , including but not limited to any transfer, renewal or sale of the domain name.

**Answer to request No. 13:** *Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to the propounding party."*

- 14) All Documents and things relating to Applicant's use or plans to use the name, mark or title MISS MULTIVERSE.

***Answer to request No. 14:** Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 15) All Documents and things which relate or refer to Applicant's use of the MISS MULTIVERSE Mark, including but not limited to all internal correspondence, business plans, proposals and drafts thereof.

***Answer to request No. 15:** Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 16) All Documents and things which demonstrate Applicant's first use of the MISS MULTIVERSE Mark in connection with beauty pageants.

***Answer to request No. 6:** Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request and/or via the Miss Multiverse website.*

- 17) All Documents and things which demonstrate Applicant's first use of the MISS MULTIVERSE Mark in connection with reality television programs.

***Answer to request No. 6:** Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion". Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 18) All Documents and things which describe the format of Applicant's MISS MULTIVERSE pageant, including any preliminary contests, if any.

***Answer to request No. 6:** Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties and is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion". Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

19) Copies of any video or other recordings of each of Applicant's MISS MULTIVERSE Services

**Answer to request No. 6:** Defendant objects on the basis that the burden is unjust, production and expense of proposed discovery greatly outweighs the benefit, taking in to account the needs of the case. Defendant would have to hire media specialist, to review, transcode and convert video format of numerous footage, the amount of work required to answer the questions is excessive and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

20) Copies of all program books for each of Applicant's MISS MULTIVERSE pageants.

**Answer to request No. 6:** Defendant objects on the basis that the information requested is voluminous and to the extent that defendant would have to produce the profile of each participant over the years. The amount of work required to answer the questions is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion".

21) All Documents and things regarding any sponsors or potential sponsors of pageants or television shows.

**Answer to request No. 3:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

22) All Documents and things regarding all venues or potential venues for Applicant's MISS MULTIVERSE pageants.

**Answer to request No. 6:** Plaintiff objects to this request to the extent that it goes beyond the subject matter, Miss Multiverse is not in the business of owning, selling or renting venues or locations; therefore, the present request does not raise reasonable expectations of obtaining information that will aid solution of the dispute or discovery of admissible evidence of the Opposer's claims of "brand confusion". Subject to and without waiving the foregoing objections, Plaintiff response that information may be easily available within our website, world wide web or readily available within the attached exhibits that are responsive to this request.



23) All Documents and things regarding any broadcast, including but not limited to any television broadcast or web cast, of any of Applicant's MISS MULTIVERSE Services.

***Answer to request No. 3:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

24) Copies of any documents regarding media coverage of Applicant's MISS MULTIVERSE Services.

***Answer to request No. 3:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

25) Samples of each and every use made by Applicant of the mark MISS MULTIVERSE Mark in connection with the MISS MULTIVERSE Services, including all advertising, promotional materials, solicitations and the like.

***Answer to request No. 3:** Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

26) All Documents and things that refer or relate to Applicant's marketing of and future marketing plans for the MISS MULTIVERSE Services, including, but not limited to newsletters, pamphlets, brochures, Internet websites, packaging, marketing research, surveys, promotional materials, advertisements and circulars.

***Answer to request No. 3:** Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 27) All Documents and things that refer or relate to Applicant's use, promotion and/or future marketing plans for MISS MULTIVERSE Services, including, but not limited to newsletters, pamphlets, brochures, Internet websites, packaging, marketing research, surveys, promotional materials, advertisements and circulars.

*Answer to request No. 3: Plaintiffs object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgence of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: The TV program "I am Multiverse" is not part of current proceedings.*

- 28) All Documents and things concerning Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

*Answer to request No. 3: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks disclosure of confidential financial business information protected by work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 29) All Documents and things showing sales or licenses of MISS MULTIVERSE Services, including, but not limited to contracts, invoices, purchase orders, price lists, bills of sale, receipts, and other agreements.

*Answer to request No. 3: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 30) All Documents and things which relate to or reveal the individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services, including, but not limited to documents identifying the names and addresses of such individuals, firms, and/or entities.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 31) All Documents and things showing the gross revenue generated from the sale of MISS MULTIVERSE Services, including, but not limited to invoices, receipts, purchase orders, tax returns, general ledgers, bank statements, contracts, agreements and financial statements.

***Answer to request No. 3:** Defendant object to this Request on the grounds that it seeks disclosure of confidential financial and third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 32) All Documents and things showing the projected gross revenue to be generated from MISS MULTIVERSE Services.

***Answer to request No. 3:** Defendant object to this Request on the grounds that it seeks disclosure of confidential financial business information protected by the work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 33) All Documents and things which constitute or relate or refer to any assignment, license, or other transfer of any rights to or from Applicant in connection with the MISS MULTIVERSE Mark.

***Answer to request No. 3:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 34) All Documents and things, which relate or refer to any use by any third party of the MISS MULTIVERSE Mark.

***Answer to request No. 3:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion".*

- 35) All Documents and things evidencing, referring or relating to instances of Applicant's knowledge of Opposer's MISS UNIVERSE Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's Miss Universe Mark.

***Answer to request No. 3:** Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 36) All Documents and things which relate or refer to any instances in which a person or business entity has inquired about, commented upon or referred to any relationship between Applicant's MISS MULTIVERSE Services, and Opposer's Miss Universe pageants.

*Answer to request No. 3: Plaintiff objects on the basis and to the extent that the information as requested by opposer improperly implies that a supposed business or person may have contacted applicant with an alleged instance of a relation among both marks. Subject to such objection and without waiving same, plaintiff responds as follows: Plaintiff hereby states that no such inquiries or instances have ever been received by the plaintiff or addressed to the plaintiff.*

- 37) All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

*Answer to request No. 1: Plaintiffs object to this Request as being equally available. The information sought is publically available to both parties in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties." Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 38) All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's Miss Universe pageant.

*Answer to request No. 3 Plaintiffs objects on the basis and to the extend that the information requested improperly requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, plaintiff responds as follows: Information may be readily available within the attached exhibits that are responsive to this request. Further information is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links.*

- 1) Copies of any insurance policies pursuant to which an insurance company may be liable to cover Applicant's defense in the Opposition proceeding.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 2) All documents consulted or referred to by Applicant in connection with preparing its responses to Opposer's First Set of Requests for Production of Documents.

***Answer to request No. 3:** Plaintiffs objects on the basis and to the extend that the information requested requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, plaintiff responds as follows: Information may be readily available within the attached exhibits that are responsive to this request. Further information is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links.*

### **Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

### **Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Warren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com) ) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*



Dated: \_\_\_\_\_ December 20, 2015

By: \_\_\_\_\_  
Linda Grandia **Applicant**

Respectfully submitted,  
/Linda Grandia/  
Kepplerstreet 13, 3817TA, Amersfoort,  
The Netherlands,  
Phone: 011 31 6 380 56 135 Email:  
[info@missmultiverse.com](mailto:info@missmultiverse.com)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re: Application Serial No. 86/235,052**  
**Mark: MISS MULTIVERSE**

<b>MISS UNIVERSE L.P., LLLP,</b>	)	<b>Opposition No. 91220573</b>
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LINDA GRANDIA,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	
_____	)	

**PLAINTIFFS RESPONSES TO DEFENDANT'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

**MISS MULTIVERSE TRADEMARK**

Amersfoort, The Netherlands, December 20, 2015

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

**Plaintiff objects to opposer discovery request to the extend that the sum of discovery questions within all three provided documents exceeds the number of questions allowed by the federal rules and regulation. Subject to and without waiving the foregoing objections, in good faith and in order to not frustrate the ongoing proceedings, plaintiff will not file a motion and make a reasonable and good faith effort to provide information in a timely matter.**

The following responses are made solely for the purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such

Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

### GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## INTERROGATORIES

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Respondents") respond and object to Complaint Counsel's Request for Interrogatories ("Interrogatories") as set forth below.

- 1) Identify all persons with knowledge of Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark.

**Answer to interrogatory No. 1:** *Mrs. Linda Grandia, created, designed, developed prepared and analyzed The Miss Multiverse Marks for the period January, 2011 through the present.*

- 2) Describe fully the facts and circumstances surrounding the creation, design, development, selection and adoption of the MISS MULTIVERSE Mark.

**Answer to interrogatory No. 2:** *Mrs. Linda Grandia in the search for a brand name for her contest came across a documentary about a new theory called the Multiverse, meaning multiple dimensions. Mrs. Grandia associated the modern theory of The Multiverse with the multi-talents and the multi-capabilities that make modern women of today multifaceted to describe the women participating in her contest.*

- 3) Explain the relationship between Applicant and G & G Exchange.

**Answer to interrogatory No. 3:** *The trademark Miss Multiverse is owned by Linda Grandia, Mrs. Linda Grandia is also the CEO of G&G Exchange*

- 4) Identify all officers, board members, investors, and donors of G & G Exchange.

**Answer to interrogatory No. 4:** *Plaintiffs object to this Interrogatory as being irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence related to the Opposer's claims of "mark confusion". Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Mrs. Linda Grandia is the CEO of G&G Exchange and the relevant contact person related to the present proceedings.*

- 5) Identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

**Answer to interrogatory No. 5:** *Plaintiffs object to this Interrogatory as being irrelevant to the subject matter and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*



- 6) State with particularity the expenses and revenues associated with the MISS MULTIVERSE television show.

*Answer to interrogatory No. 6: Plaintiffs object to this Interrogatory as being irrelevant to the subject matter, the information sought is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "name brand confusion". Subject to and without waiving their objections Plaintiff respond to this Interrogatory as follows: The Mark of the TV program **"I am Mutiverse Tv reality program"** is not in opposition proceedings.*

- 7) State with particularity the expenses and revenues associated with each of the MISS MULTIVERSE pageants, segregated by year and pageant name.

*Answer to interrogatory No. 7: Plaintiff object to this Interrogatory to the extend that it seeks protected and privileged financial information and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 8) Describe fully the facts and circumstances surrounding Applicant's filing an application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

*Answer to interrogatory No. 8: Plaintiffs object to this Interrogatory as being equally available. The information sought is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both party."*

- 9) Describe in detail the manner in which you use, have used, and/or plan to use the domain name missmultiverse.com

*Answer to interrogatory No. 9: The domain [www.MissMultiverse.com](http://www.MissMultiverse.com) has ben used and will continue to be used to identify the IP address hosting The Miss Multiverse Website and to receive the redirection of other web addresses owned by Miss Multiverse in the USA such as [www.MissMultiverse.US](http://www.MissMultiverse.US) targeting millions of consumers in the USA.*

- 10) State whether you have transferred or sold the domain name missmultiverse.com , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 10:*** Plaintiffs object to this Interrogatory as being irrelevant to the subject matter, the transfer or sales of a domain is irrelevant to Opposer's claims of "name brand confusion" and therefore not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

- 11) Describe in detail the manner in which you use, have used, and/or plan to use the domain name msmultiverse.com

***Answer to interrogatory No. 11:*** The domain [www.MsMultiverse.com](http://www.MsMultiverse.com) (Ms) has been used and will continue to be used to redirect the population of English speaking consumers from the USA that have interest in contests for women that are "completely different" to other contest. These particular consumers are specifically seeking for contest that accept women ages above other competitions and accept women that have been previously married or with children. These Consumers land at the domain [www.MsMultiverse.com](http://www.MsMultiverse.com) and are then redirected to the IP address of the Miss Multiverse international website [www.MissMultiverse.com](http://www.MissMultiverse.com) .

- 12) State whether you have transferred or sold the domain name msmultiverse.com , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 12:*** Plaintiffs object to this Interrogatory as being irrelevant to the subject matter, the transfer or sales of a domain is irrelevant to Opposer's claims of "name brand confusion" and therefore not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

- 13) Describe in detail the manner in which you use, have used, and/or plan to use the domain name mrrsmultiverse.com .

*The domain [www.MrsMultiverse.com](http://www.MrsMultiverse.com) (Mrs) has been used and will continue to be used to redirect the population of English speaking consumers from the USA that have particular interest in contests for women that are "different" to other contest. These consumers are specifically seeking for contest that accept women that married, with ages above other competitions and accept women with children. These Consumers land at the domain [www.MrsMultiverse.com](http://www.MrsMultiverse.com) and are then redirected to the IP address of the Miss Multiverse international website [www.MissMultiverse.com](http://www.MissMultiverse.com) .*

- 14) State whether you have transferred or sold the domain name mrrsmultiverse.com , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 14:*** *Plaintiffs object to this Interrogatory as being irrelevant to the subject matter, the transfer or sales of a domain is irrelevant to Opposer's claims of "name brand confusion" and therefore not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 15) Describe in detail the nature and extent of Applicant's use or plans to use the name, mark or title MISS MULTIVERSE.

***Answer to interrogatory No. 15:***

*MARK - Name of the Miss Multiverse competition*

*TITLE – Awarded to the 10 winners of the Miss Multiverse competition.*

- 16) Describe in detail the nature and extent of Applicant's use or plans to use the name, mark or title MISS MULTIVERSE USA.

***Answer to interrogatory No. 16:*** *TITLE awarded to the contestant representing the USA. Similar to how all international pageant contestants represent their title in their country, regardless of where the international pageant takes place.*

- 17) Identify the person with most knowledge regarding Applicant's use or planned use of the MISS MULTIVERSE Mark, including anticipated date of Applicant's first use.

***Answer to interrogatory No. 17:*** *Mrs. Linda Grandia is the person with most knowledge regarding planned use of the Miss Multiverse mark including the anticipated date of first use.*

- 18) Identify the person with the most knowledge regarding the format of Applicant's MISS MULTIVERSE pageants, including any preliminary contests, if any.

***Answer to interrogatory No. 18:***

*(a) Mrs. Linda Grandia is the person with most knowledge regarding the format of Miss Multiverse. (b) Miss Multiverse process is different than other competitions and does not hold preliminary contest.*

- 19) State whether Applicant's MISS MULTIVERSE pageants have been broadcast via television, internet or any other means, including: (a) title of the pageant; (b) the date of each broadcast; (c) manner of broadcast; (d) vehicle of broadcast; and (e) all media where each pageant was broadcast.

***Answer to interrogatory No. 19:*** *Plaintiffs object to this Interrogatory as being overly broad or unduly burdensome and lacks a reasonable time frame. To collect all information worldwide in order to comply with the request would be an undue burden and expense on the plaintiff. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, our activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters; Miss Multiverse Mark was broadcasted in the USA nationwide in 2012 and 2013 via TV cable partners of Super Canal. Miss Multiverse has a US domain targeting exclusively the USA [www.missmultiverse.us](http://www.missmultiverse.us); furthermore, Miss Multiverse reaches the USA via online video streaming with <http://missmultiverse.vhx.tv> Miss Multiverse is also distributed online via multiple platforms in the worldwide open public media space and second screen online channels; such as, YouTube, Daily-Motion and has an exclusive Yuuzoo network targeting the the USA, furthermore numerous social media platforms including Facebook, Google+ Twitter reaching consumers in the USA and worldwide.*

- 20) List all sponsors or parties solicited to be sponsors of Applicant's MISS MULTIVERSE pageants.

***Answer to interrogatory No. 20:*** *Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of " brand confusion. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Plaintiff has particular strategy to finance their competition and rarely uses sponsors.*

21) List all venues or potential venues for Applicant's MISS MULTIVERSE pageants, by year and pageant name.

*Answer to interrogatory No. 21: Plaintiff object to this Interrogatory as being irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion. Subject to and without waiving their objections, Plaintiff respond to this Interrogatory as follows: Applicant does not have an exclusive location where they hold their events in such way that can possibly lead to brand confusion.*

22) Describe in detail each and every use made by Applicant of the MISS MULTIVERSE Mark in connection with television shows.

*Answer to interrogatory No. 22: Plaintiffs object to this Interrogatory as being overly broad or unduly burdensome and lacks a reasonable time frame. To collect all information worldwide in order to comply with the request would be an undue burden and expense on the plaintiff. Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, Miss Multiverse activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters; as well as, distributed online via multiple platforms in the worldwide open public media space.*

23) Identify the individuals with most knowledge regarding Applicant's promotion and future marketing plans for the MISS MULTIVERSE Mark.

*Answer to interrogatory No. 23: Mrs. Linda Grandia is the person with most knowledge regarding future marketing plans for the Miss Multiverse Mark.*

24) Identify the person with most knowledge regarding Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

*Answer to interrogatory No. 24: Mrs. Linda Grandia is the person with most knowledge regarding advertising and promotional expenditures relating to Miss Multiverse Services.*

25) Identify all venues where Applicant's MISS MULTIVERSE pageants have been held.

*Answer to interrogatory No. 25: Please find answer in Interrogatory question No21*

26) Identify the person with most knowledge regarding sales or licenses of the MISS MULTIVERSE Services, gross revenue generated in connection with the MISS MULTIVERSE Services, and other financial information regarding G & G Exchange and Applicant's production and promotion of pageants.

***Answer to interrogatory No. 26:*** Mrs. Linda Grandia is the person with most knowledge regarding financial information of the MISS MULTIVERSE Services, gross revenue generated in connection with the G & G Exchange.

- 27) Identify all individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services.

***Answer to interrogatory No. 27:*** G&G Exchange manages all direct sales and business related with the Miss Multiverse Mark.

- 28) Identify the newspapers, magazines, publications, websites, television and radio stations and/or shows where Applicant markets, advertises and promotes its goods and services in connection with the MISS MULTIVERSE Mark.

***Answer to interrogatory No. 28:*** Plaintiffs object to this Interrogatory as being overly broad or unduly burdensome and lacks a reasonable time frame. The information sought is available to the opposing part as it is found publically in the world wide web. Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, our activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters. The Information is public, extensive and difficult to track all of them, therefore to comply with the request would be an undue burden and expense on the plaintiff. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."

- 29) Identify each use by any third party of the mark MISS MULTIVERSE, and the persons knowledgeable of such use.

***Answer to interrogatory No. 29:*** Plaintiffs object to this Interrogatory as being overly broad or unduly burdensome and lacks a reasonable time frame. Subject to and without waiving their objections, Plaintiff respond to this Interrogatory as follows: G&G Exchange operates the mark therefore no third parties use the mark Miss Multiverse.

- 30) Identify any and all trademarks owned by Applicant.

***Answer to interrogatory No. 30:*** Plaintiffs object to this Interrogatory as being irrelevant and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: No other pageant brands owned by Applicant are connected with the current proceedings.

31) Identify any and all beauty pageants and contests operated and/or sponsored by Applicant.

***Answer to interrogatory No. 31:*** *Plaintiffs object to this Interrogatory as being irrelevant to the subject matter. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: No other pageant brands, activities or events owned by plaintiffs and that are not titled Miss Multiverse become part of this proceedings or connected to the Mark Miss Multiverse therefore irrelevant to the subject matter.*

32) Identify any and all television programs operated, promoted or sponsored by Applicant.

***Answer to interrogatory No. 32:*** *I am Multiverse TV reality program.*

33) Describe the rules by which contestants must abide as participants in any and all of the beauty pageants operated and/or sponsored by Applicant, identified by pageant.

***Answer to interrogatory No. 33:*** *Plaintiffs object to this Interrogatory as being partially irrelevant to the subject matter. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: No other pageant brands, activities or events owned by plaintiffs that are not titled Miss Multiverse become part of this proceedings or connected to the Mark Miss Multiverse therefore irrelevant to the subject matter. Please find bellow information that is readily public and therefore made available:*

***Selection:*** *Contestants are handpicked directly by the organization unlike other pageant where its done by country directors. Unlike other pageants where interviews take place with preliminaries, Miss Multiverse Interviews are conducted as TV audition style, related to TV program castings. Outer beauty is irrelevant, the organization seeks primarily multi-facet qualities and TV likeness such as outrageous and interesting personalities that are able to engage TV viewers.*

***Requirements:*** *Ages: 18 to 35, unlike other pageants where age limit is 26 (b) Relationship status: Can be single, married, divorced, widowed, allowed to have children unlike other pageant where women are limited to be single and cannot have children in order to participate. (c) Minimum height: 1.70m unlike other pageants were minimum height is 1.65m (d) Education: Mandatory University level education, unlike other pageants where high school level as minimum is required. (e) Language: Fully understand and speaking English. Unlike other pageants where language is not relevant since they provide a translator.*

***Rules:*** *Be your self, follow the planed schedule and TV script.*

34) Describe in detail the format of Applicant's MISS MULTIVERSE pageants, including preliminary pageants if any.

***Answer to interrogatory No. 34:** Plaintiffs object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Miss Multiverse does not have the same format each year, our concept continues to evolve regularly and has transformed in to a TV program that follows a personality contest. Traditional pageants are held on stage showcasing women on bikini and evening gowns, within a live show that culminates with one winner. Miss Multiverse takes place outdoors and does not culminate or expires, it begins with 10 winners that receive the Miss Multiverse Title and this is only the beginning of the story. Further information is classified and protected under the WGA writer's guild of America.*

35) Describe fully Applicant's knowledge of Opposer's Miss Universe Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's Miss Universe Marks.

***Answer to interrogatory No. 35:** Plaintiff objects to this discovery request as phrased is argumentative. It requires the adoption of an assumption, which is improper as to the extent that it assumes that applicant is an aficionado, connoisseur or collector of documents and things of opposers mark.*

36) State whether Applicant has received any communication from any third party of any nature whatsoever which mentions or otherwise concerns Opposer or Opposer's Miss Universe Marks and, if so, describe fully those instances including name of individual, the person receiving the communication, date of communication, and nature of communication, including any alleged instances of actual confusion.

***Answer to interrogatory No. 36:** Plaintiff objects to this discovery request as argumentative as it requires the adoption of an assumption, which is improper as to the extent that it falsely and misleadingly assumes that applicant has received or witnessed an alleged instance of mark confusion. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Applicant has never received or witnessed in any way, shape or form any written communication or verbal information with any instances or traces mentioning opposers mark or mentioning any remote possibility of resemblance or likelihood of confusion.*



37) Identify any rights in the MISS MULTIVERSE Mark which Applicant has granted to any third party or acquired from any third party, including, but not limited to licenses, assignments, and security interests, and the persons knowledgeable concerning each grant or acquisition.

***Answer to interrogatory No. 37:*** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

38) All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States. .

***Answer to interrogatory No. 38:*** Plaintiffs object to this Interrogatory as being equally available. The information sought is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."

39) All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's Miss Universe Pageant, Miss Usa Pageant or Miss Teen Usa Pageant. .

***Answer to interrogatory No. 39:*** G&G Exchange is not in possession of documents or things regarding Opposer other than those listed on the trademark office website.

40) Identify any insurance policies pursuant to which an insurance company may be liable to cover Applicant's legal fees in connection with this Opposition proceeding.

***Answer to interrogatory No. 40:*** Defendants object to this Request on the grounds that it seeks disclosure of confidential business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

41) Identify each legal proceeding to which Applicant has been a party.

***Answer to interrogatory No. 41:*** Defendants object to this Request on the grounds that it seeks disclosure of confidential business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

42) Identify any and all persons with knowledge concerning the facts which support Applicant's denial of any allegation in the Notices of Opposition and the facts as to which each has knowledge.

***Answer to interrogatory No. 42:*** Mrs. Linda Grandia is the relevant contact person with knowledge related to the present proceedings.

43) Explain in detail all plans Applicant has to expand the nature of its pageant services or television shows and/or the channels of trade and media where its services are promoted or offered for sale, broadcast, or advertised.

***Answer to interrogatory No. 43:*** Plaintiffs object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: The TV program "I am Multiverse" is not part of current proceedings.

44) Identify all persons who assisted in preparing Applicant's responses to Opposer's First Set of Interrogatories, and produce all documents consulted or referred to by Applicant in connection with preparing its responses to Opposer's First Set of Interrogatory

***Answer to interrogatory No. 44:*** Mrs. Linda Grandia is the person producing documents and preparing responses to Opposer's First Set of Interrogations.

**Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

**Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Warren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com)) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*



MISS & MRS  
LINDA GRANDIA  
GG EXCHANGE

Dated: \_\_\_\_\_ December 20, 2015

By: \_\_\_\_\_  
Linda Grandia  
**Applicant**

Respectfully submitted,  
/Linda Grandia/  
Keppelstreet 13, 3817TA,  
Amersfoort, The Netherlands,  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re: Application Serial No. 86/235,052  
Mark: MISS MULTIVERSE**

<b>MISS UNIVERSE L.P., LLLP,</b>	)	<b>Opposition No. 91220573</b>
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LINDA GRANDIA,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

\_\_\_\_\_)

**PLAINTIFFS RESPONSES TO DEFENDANT'S FIRST REQUESTS FOR ADMISSIONS**

**MISS MULTIVERSE TRADEMARK**

Amersfoort, The Netherlands, December 20, 2015

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

**Plaintiff objects to opposer discovery request to the extend that the sum of discovery questions within all three provided documents exceeds the number of questions allowed by the federal rules and regulation. Subject to and without waiving the foregoing objections, in good faith and in order to not frustrate the ongoing proceedings, plaintiff will not file a motion and make a reasonable and good faith effort to provide information in a timely matter.**

The following responses are made solely for the purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

### GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## REQUESTS FOR ADMISSION

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Respondents") respond and object to Complaint Counsel's Request for Admissions ("Requests") as set forth below.

- 1) 1. Admit that Opposer has used its Miss Universe mark since at least as early as 1952.

*Respondents object to this Request as vague and ambiguous with respect to the phrase "**as early as 1952.**" to the extent that it suggests that Respondent is an aficionado or connoisseur of opposers mark to know their history, further assuming that opposers mark is of fundamental public interest and a must know topic the defendant has to know and/or suggests that applicant follows up with the history of many other pageants in the USA that use the highly diluted words "miss and verse" such as Miss University, Queen of the Universe Mrs. US Universe, Pageant Universe or the overwhelming number of beauty pageants worldwide; therefore, respondent deny this request.*

- 2) 2. Admit that Applicant was a contestant in the Miss Universe Netherlands 1994 pageant.

*Respondents object to this Request as vague and ambiguous with respect to the definition of "**contestant in the Miss Universe Netherlands**" to the extent that it misrepresents a legal conclusion and therefore deny it. Subject to and without waiving the foregoing objection, Respondent states that The Miss Netherlands is a local and independent event company of The Netherlands sending their top winners to several competitions worldwide. Mrs. Linda Grandia was not among the winners of any of their events and therefore did not enter any International Competition.*

- 3) 3. Admit that Applicant had knowledge of Opposer's use of its Miss Universe Mark prior to Applicant's creation, selection and adoption of the MISS MULTIVERSE Mark.

*Respondents object to this request as vague and ambiguous as to the term "**use of**" implies a generalized geographic market. Respondent objects to the phrase "**had knowledge of**" as it wrongly assumes that applicant is an aficionado of opposers mark and therefore connoisseur of opposers mark. Respondent objects to the phrase "**prior to Applicant's creation**" to the extend that it wrongly implies that before Applicant registered the mark in The Benelux, applicant was aware of opposers internal company information; such as, where (countries) or when (dates) opposers mark was used, formally registered, under what registration classes or if it was legally registered at all. Subject to and without waiving the foregoing objections, Respondent deny.*

- 4) 4. Admit that Applicant had knowledge of Opposer's registration of its Miss Universe Mark prior to Applicant's creation, selection and adoption of the MISS MULTIVERSE Mark.

*Respondents object to the term "**had knowledge of**" to the extent that it assumes that applicant is an aficionado or connoisseur of opposers mark. "**had knowledge of**" also implies a conclusion that the term "**registration of**" constitutes a geographic market that includes the Benelux where Applicant first register the Miss Multiverse Mark. Respondent objects to the term "**prior to Applicants creation**" to the extend that it wrongly suggests that Applicant was during the time of registration of their mark in possession of opposers internal information; such as, where (countries) or when (dates) opposers mark was registered, under what registration classes or if it was legally registered at all. The phrase "**prior to Applicants creation**" also implies that Applicant did not act in good faith while registering its Mark in the Benelux trademark organization. Subject to and without waiving the foregoing objections, Respondent deny.*

- 5) 5. Admit that Applicant's MISS MULTIVERSE pageant is an international beauty contest where women from different countries compete for the title of MISS MULTIVERSE.

*Respondent object to this Request as vague and ambiguous as to the term "**pageant**" may divert the fact that the words "contest and pageant" have the same meaning and therefore implies that opposer has preferential rights to all formats in the USA or world wide before any other companies organizing events that involves women competing in any shape, way or form. The first pageant in the USA was Miss World soon after their successful event many other companies in the USA **replicated their concept** and still use the same format today. Applicant cannot admit or deny if opposers pageant was one of those that emerged as a replica soon after the Miss World, it is hard to tell by the respondent since the use of the word **Miss** followed by the name of the contestant's **country** featured with a show on stage was and still is widely used by hundreds or maybe thousands of pageants.*

*Respondent object to this Request as vague and ambiguous as to the phrase "**beauty contest**" implies that a contest can only be about beauty and that a TV program, live show or women's event can only be structured in one particular format similar to the format used by opposer and in no other possible way, when in reality there are numerous creative formats and themes possible.*

*Respondent also object to the phrase "**women from different countries.**" As it implies that there are no other possible regional formats, standards and criteria's for the selection of contestant's eligibility that are different to the procedures used by opposer.*

*Respondent also object to the phrase "**women compete.**" As it implies that there are no other challenges, tests, adventures and/or competition formats that are different in many ways to the format used by opposer to determine who wins the title. Respondent also object to the phrase "**for the title.**" As it inaccurate implies that Miss Multiverse grants only one title to one winner and that there are no other means to reward the winners in a different way to how opposer rewards its winner. Miss Multiverse titles are granted to 10 winners that become the 10 (ten) official Miss Multiverse Models. Opposer only provides one single Miss Universe Title to one winner who becomes the one and only Miss Universe. Subject to and without waiving the foregoing objections, Respondent deny.*

- 6) 6. Admit that Applicant's MISS MULTIVERSE pageants feature a swimsuit competition, evening gown competition and personal interview round.

*Respondent object to this Request as vague and ambiguous as it implies that a pageant can only be structured in one particular format and that it has to be similar to the format used by opposer and no other possibility exists. This also implies that companies are static and do not re-invent them selves or transform in to new and unique concepts. Subject to and without waiving the foregoing objections, Respondent deny and states that featuring swimsuit, evening gowns and personal interviews has not worked for Miss Multiverse in the past, this is generally criticized as the objectification of women; therefore, Miss Multiverse has evolved to a new and modern concept far different than opposers show. For the avoidance of doubt, for Miss Multiverse, outer beauty, age or marital status are irrelevant, the program seeks internal qualities and TV likeness such as outrageous and interesting personalities that are able to engage TV viewers; therefore, features primarily women actively engaged in a series of challenges and tests that are original and created by Miss Multiverse. Opposers show primarily features a live event with women using bikini and dresses on stage. Subject to and without waiving the foregoing objections, Respondent deny.*

- 7) 7. Admit that Applicant intends to advertise, promote and/or sell goods and/or services using the MISS MULTIVERSE Mark via the Internet and/or broadcasted television.

*Respondent object to this Request as vague and inaccurate as it implies that Applicant has not been **already** promoting worldwide, advertising and selling goods using the Miss Multiverse Mark **since 2012**, across multiple platforms; such as, cable TV broadcasting in the USA via Super Canal and their partnering networks, also reaching online consumers via video streaming with [www.missmultiverse.vhx.tv](http://www.missmultiverse.vhx.tv) furthermore reaching second screen consumers via online channels; such as, YouTube and Daily-Motion. It also implies that Applicant has not been offering services via Miss Multiverse international website [www.missmultiverse.com](http://www.missmultiverse.com), and reaching American consumers with its exclusive domain for the USA [www.missmultiverse.us](http://www.missmultiverse.us) and offering products via its online merchandising store [www.zazzle.com/missmultiverse](http://www.zazzle.com/missmultiverse) Subject to and without waiving the foregoing objections, Respondent deny.*

- 8) 8. Admit that to date, Applicant has used the MISS MULTIVERSE Mark only in 3 NYO I \OrteK\4227833.1 connection with advertising or promotion of services in the United States.

*Respondent object to this Request as vague and inaccurate as it implies that Applicant has not used the Miss Multiverse Mark broadcasted in the USA nationwide via TV cable partners of Super Canal. Subject to and without waiving the foregoing objections, Respondent states that Miss Multiverse has an exclusive domain targeting the USA [www.missmultiverse.us](http://www.missmultiverse.us); furthermore, Miss Multiverse has contestants from the USA promoting Miss Multiverse in the USA since 2011, Miss Multiverse also reaches the USA via online video streaming with <http://missmultiverse.vhx.tv> and Miss Multiverse second screen online channels such as YouTube and Daily-Motion; furthermore it implies that Applicant has not been offering services via Miss Multiverse international website [www.missmultiverse.com](http://www.missmultiverse.com) and products via its online merchandising store <http://www.zazzle.com/missmultiverse> and Yuuzoo network exclusive for the USA, It also implies that the numerous social media platforms such as Facebook, Google+ Twitter and many more are not reaching millions of consumers in the USA. Subject to and without waiving the foregoing objections, Respondent deny.*



- 9) 9. Admit that to date, Applicant has provided none of the services Applicant promotes under the MISS MULTIVERSE Mark in the United States.

*Respondent object to this Request as vague and inaccurate as it implies that Applicant has not provided services to its primary customer which are the contestants residing in the USA since 2011, It also implies that viewers are not consumers of entertainment or that Miss Multiverse has not provided exposure and media services to its followers in the USA via its international website [www.missmultiverse.com](http://www.missmultiverse.com) and USA targeted domain [www.missmultiverse.us](http://www.missmultiverse.us), Yuuzoo Network targeting the USA and numerous social media platforms targeting the USA. , It also implies that the numerous social media platforms such as Facebook, Google+ Twitter and many more are not reaching millions of consumers in the USA. Subject to and without waiving the foregoing objections, Respondent deny.*

- 10) 10. Admit that Applicant's MISS MULTIVERSE Mark is similar in sound, appearance and meaning to Opposer's Mark.

*Respondent deny this Request as it is argumentative, it requires the adoption of opposers assumptions, which are not based on facts, relevant expert deliberation or judgment from the magistrates of the trademark office. For the avoidance of doubt and without waiving the foregoing objections, Respondent denies any similarities and makes the observation that there are numerous pageant brands worldwide composed with the words "**Miss and Verse**" that are very different to opposers mark and therefore are clearly not creating mark confusion or regarded by consumers as similar in appearance and meaning regardless if they are composed of the words **Miss and Verse** some of those marks are also in the USA officially and legally registered as a trademark within the same classifications of opposers mark; such as:*

- |                                  |                      |
|----------------------------------|----------------------|
| (a) <b>Miss University</b>       | TM Reg # 2873222 USA |
| (b) <b>Mrs. US Universal</b>     | TM Reg # 4705586 USA |
| (c) <b>Queen of the Universe</b> | TM Reg # 4227113 USA |
| (d) <b>Pageants Universe</b>     | TM Reg # 3961688 USA |

***Dictionary Meaning:***

***Multiverse:*** (Astronomy) the aggregate of all existing matter, of which the universe is but a tiny fragment

***Multiverse is as different to Universe as:***

***Cocacola*** (vs) ***Pepsicola***. (both selling cola)

***Multivitamin*** (vs) ***Plurivitamin*** (both selling vitamin)

***Other known trademark court cases that have cemented such differences are as follow:***

***Charbucks*** vs ***Starbucks*** (both selling coffee)

***Miss USA*** vs ***Miss Asia USA*** (Opposers brand vs other pageant in the USA)

*Subject to the explanation above and without waiving the foregoing objections, Respondent deny.*

**Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

**Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Warren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com)) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*

  
MISS & MRS  
LINDA GRANDIA  
GG EXCHANGE

Dated: \_\_\_\_\_ December 20, 2015

By: \_\_\_\_\_  
Linda Grandia **Applicant**

Respectfully submitted,

/Linda Grandia/

Kepplerstreet 13, 3817TA, Amersfoort, The Netherlands,

Phone: 011 31 6 380 56 135 Email:  
[info@missmultiverse.com](mailto:info@missmultiverse.com)

## **EXHIBIT B**

**In re: Application Serial No. 86/235,052**  
**Mark: MISS MULTIVERSE**

MISS UNIVERSE L.P., LLLP, ) **Opposition No. 91220573**  
 )  
 Opposer, )  
 v. )  
 LINDA GRANDIA, )  
 )  
 Applicant. )  
 )  
 )  
 )  
 )

**MISS MULTIVERSE TRADEMARK**

Revised and resend to opposer on: January 18, 2016

The following responses are made solely for the purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all

of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

#### GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## REQUESTS FOR REVISION OF ANSWERS STATEMENT

The answers herein have been Revised and resend to opposer on: January 19, 2016

Defendant has reviewed opposers letter send on January 12, 2016 reacting to the Defendant's interrogatories answers, whereas such interrogatory answers are formulated by the Defendant in good faith and to the best of Defendant's abilities considering that it takes more research time for the Defendant since they are representing them selves as means of necessary precautions to not be lead towards unnecessary legal expenditures; therefore any small delays or legal wording shall not be deemed as intentional or used as justification to misrepresent the overall meaning of defendants answers within the subject matter. For example; when opposer does not disclose information it is because such information is private, can be replicated by third parties or vulnerable to divulgation and therefore "In plain English" we do not entrust third parties with our private information such as opposers employees or legal team, we can however gladly make information that is absolutely mandatory and required by law available to a designated impartial expert of the court"

In addition, opposers letter demands a short deadline to revise more than 70 legal questions within 4 working days. Defendant makes the observation, that Opposer has not yet provided answers to the Defendants discovery questions, and thus placing the Defendant within the disadvantage point of providing answers in advance. Defendant also brings forth that Defendants interrogatory questions send to the opposing party have been to the point, reasonable and not excessive in order to avoid unnecessary expenditure of time, money and legal fees for the opposing party and to not frustrate the foregoing proceedings; in the other hand, opposer is requesting unnecessary abundant information; such as, all of defendant, financials, emails and letters since the beginning of time and so on; to the extend, as if defendant has to provide boxes of documents to the federal tax office for a tax evasion case, as if this is all required to evaluate the pronunciation or words, meanings of words, public survey or draw the attention away from the fact that there are so many pageants registered with the word (**Miss - Verse and even Universe**); all of this is regarded as a fishing expedition or leading defendant towards unnecessary expenditure of time, finances and human resources.

Opposers letter impolitely **accuse Defendant** "in writing" as registering in bad faith as if Opposer has any evidence to sustain such false and defamatory claims. Defendant resent such accusations which is improper as to the extent that it falsely and misleadingly frames defendant's character intent and good ethical business practices; therefore, defendant makes the observation that such harsh accusations accompanied by threats of litigation, unfounded accusations and legal tactics are regarded as bad faith bully business practice.

## REQUESTS FOR PRODUCTION

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Defendant") respond and object to Opposing Counsel's Request for Document Production ("Production") as set forth below.

- 1) All Documents and things which relate or refer to Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark, including but not limited to any investigations or searches, and all documents which indicate the first date of adoption and use of the MISS MULTIVERSE Mark by Applicant in the United States.

*Answer to request No. 1: The information sought is publically available to the opposing party in the USPTO website and easily accessible via the trademark tools and links. Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (i) "the discovery sought can be obtained from some other source that is more convenient, less burdensome, or less expensive;" Defendant responds that [i] information is found in our website accessible to opposer and the public, [ii] further information may be readily available within the attached exhibits that are responsive to this request for example images and dates of the contestant's participation. [IV] question regarding creation, design, development, selection and adoption of MISS MULTIVERSE is duplicate as this question is already answered in the Interrogatory Question No 1 of the other defendant's first set of interrogatories.*

- 2) All Documents and things which relate to any trademark searches performed by Applicant or on its behalf regarding the adoption of the MISS MULTIVERSE Mark, including any opinion letters, if any.

*Answer to request No. 2: Defendant response that no opinion letters exists and no extraordinary eventualities out of the normal registration proceedings exists, in all cases the USPTO found no grounds of conflicts with other brands and accepted our application. The trademark was already registered in Benelux, with no opposition and several years of use of the brand international and in the USA did not cause opposition either. All research towards the initial Benelux and USA trademark have been extensively researched and no grounds to doubt the originality of the trademark have been found. The use of the word Multiverse and its theory, meaning and pronunciation were as good as new.*

- 3) All Documents and things regarding the formation of G & G Exchange.

*Answer to request No. 3: Defendant response that [ii] Registration information of G&G Exchange is available within the attached exhibits that are responsive to this request. [iii] If opposer finds that full and extended version of G&G Company registration information to be of the essence and*

*vital to substantiate how the word MULTIVERSE supposedly has the same meaning as opposers mark, then such information requires Notarized translation from Dutch to English therefore can be provided at the expense of the requesting party. Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.”*

- 4) Documents sufficient to identify the officers, board, investors, and donors of the G&G Exchange.

**Answer to request No. 4:** *Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements, [i] information of third parties not involved in the subject matter unless previously specified to the third party that they bare such responsibility [ii] and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of “brand confusion”. see Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Subject to and without waiving the foregoing objections, Defendant response that [i] Mrs. Linda Grandia is the CEO of G&G Exchange and the one and only person in full capacity to answer any and all aspects of G&G Exchange relevant to MISS MULTIVERSE. [ii] If the court finds that the full and extended version of G&G Company registration information is of the essence and vital to substantiate or demonstrate how the word MULTIVERSE has the same meaning as opposers mark, then such information requires Notarized translation from Dutch to English therefore can be provided at the expense of the requesting party. [iii] Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.”*

- 5) Documents sufficient to identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

**Answer to request No. 5:** *Defendant objects to this Request on the ground that it seeks disclosure of confidential third party employee, contractors and business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements. [i] an employer of The Netherlands is not allowed to disclose information subject to non-disclosure employee or contractor's information of third parties not involved in the subject matter unless previously specified to the third party that they bare such responsibility. [ii] Mrs. Linda Grandia is the person responsible in all matters related to the MISS MULTIVERSE mark.*

- 6) Financial Documents sufficient to demonstrate in detail the expenses and revenues associated with each of the MISS MULTIVERSE Services.

**Answer to request No. 6:** *Defendants object to this Interrogatory on the grounds that it is unreasonably cumulative or duplicative, already asked and answered in questions 29, 31, 32 bellow.*



- 7) All Documents and things which relate or refer to Applicant's application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

*Answer to request No. 7: information available within the attached exhibits that are responsive to this request for example screenshots of the Benelux registration.*

- 8) All Documents and things relating to Applicant's registration and use of the domain name mismultiverse.com including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 8: The information sought is publically and easily obtainable from the widely available who is domain search engines. [i] further information may be readily available within the attached exhibits that are responsive to this request for example screenshots of the who is domain screenshots. [ii] Registering a domain does not require complex documentations or procedures [iii] Renewal is on a yearly basis [IV] Domains have not been sold.*

- 9) Screen shots of all pages from the website to which Applicant's domain name msmultiverse.com resolves or resolved.

*Answer to request No. 9: The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. It is not reasonable to make screenshots of pages, this is an activity that opposer can perfectly do on their own time and expenses if found relevant for them to demonstrate that the word MULTIVERSE has the same meaning as opposers mark.*

- 10) All Documents relating to Applicant's registration and use of the domain name. msmultiverse.com, including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 10: The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. [i] further information may be readily available within the attached exhibits that are responsive to this request for example screenshots of the who is domain screenshots. [ii] Registering a domain does not require complex documentations or procedures [iii] Renewal is on a yearly basis [IV] Domains have not been sold. [V] use of the domain name is duplicate as this question is already answered in the Interrogatory Question No 11 of the other defendant's first set of interrogatories.*

- 11) Screen shots of all pages from the website to which Applicant's domain name msmultiverse.com resolves or resolved.

*Answer to request No. 11: The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. It is not reasonable to make screenshots of pages; this is an activity that opposer can do on their own time if found relevant for them to demonstrate that the words MULTIVERSE has the same meaning as opposers mark.*

- 12) All Documents relating to Applicant's registration and use of the domain name mrsmultiverse.com including but not limited to any transfer, renewal or sale of the domain name.

**Answer to request No. 12:** *The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. [i] further information may be readily available within the attached exhibits that are responsive to this request for example screenshots of the who is domain screenshots. [ii] Registering a domain does not require complex documentations or procedures [iii] Renewal is on a yearly basis [IV] Domains have not been sold. [V]*

- 13) All Documents relating to Applicant's registration and use of the domain name mrsmultiverse.com , including but not limited to any transfer, renewal or sale of the domain name.

**Answer to request No. 13:** *The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. [i] further information may be readily available within the attached exhibits that are responsive to this request for example screenshots of the who is domain screenshots. [ii] Registering a domain does not require complex documentations or procedures [iii] Renewal is on a yearly basis [IV] Domains have not been sold. [V] use of the domain name is duplicate as this question is already answered in the Interrogatory Question No 13 of the other defendant's first set of interrogatories.*

- 14) All Documents and things relating to Applicant's use or plans to use the name, mark or title MISS MULTIVERSE.

**Answer to request No. 14:** *Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Information may be subject to company espionage and therefore Highly Confidential -Material to be shielded by the Board from public access under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 15) All Documents and things which relate or refer to Applicant's use of the MISS MULTIVERSE Mark, including but not limited to all internal correspondence, business plans, proposals and drafts thereof.

**Answer to request No. 15:** *Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving the foregoing objections,*

*defendant responds that. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 16) All Documents and things which demonstrate Applicant's first use of the MISS MULTIVERSE Mark in connection with beauty pageants.

***Answer to request No. 16:** Defendant response that question is not specific and therefore reasonable information to determine first use may be readily available within the attached exhibits that are responsive to this request and/or publicly available via the Miss Multiverse website.*

- 17) All Documents and things which demonstrate Applicant's first use of the MISS MULTIVERSE Mark in connection with reality television programs.

***Answer to request No. 17:** Defendant response that information may be readily available within the attached exhibits that are responsive to this request.*

- 18) All Documents and things which describe the format of Applicant's MISS MULTIVERSE pageant, including any preliminary contests, if any.

***Answer to request No. 18:** Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties. Subject to and without waiving the foregoing objections, Defendant response that [1] information may be partially already answered in the Interrogatory Question No 33 and 34 of the other defendant's first set of interrogatories.*

- 19) Copies of any video or other recordings of each of Applicant's MISS MULTIVERSE Services

***Answer to request No. 19:** Defendant objects on the basis that the expense of proposed discovery greatly out weights the benefit, taking in to account the needs of the case. Defendant would have to hire media specialist, to review, transcode and convert video format of numerous HD footage (gigabytes of data), to a smaller format in order to provide the information via hard drive or*

online. The amount of work required to deliver is excessive; transcoding all of our videos will not reasonably substantiate Opposer's claims of "brand confusion" [ii] If opposer finds that the formatted videos are of the essence and vital to the subject matter, then such information can be provided at the expense of the requesting party or to be reviewed at the place of production pursuant to 37 CFR § 2.120(d)(2). [Note 1.] A party is only obliged to make documents and materials available for inspection and copying, where the documents are stored, and as they are kept in the ordinary course of business Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) "the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues."

20) Copies of all program books for each of Applicant's MISS MULTIVERSE pageants.

**Answer to request No. 20:** *With the modern social media landscape and online technologies widely available providing a much wider reach. Applicant prefers to stay environmentally green by not producing program books.*

21) All Documents and things regarding any sponsors or potential sponsors of pageants or television shows.

**Answer to request No. 21:** *Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving the foregoing objections, defendant responds that Opposer is the party who has to demonstrate that sponsors have been approached by MISS MULTIVERSE to pay or support MISS MULTIVERSE and that such sponsors claimed to be confused thinking they were sponsoring Opposers mark instead of MISS MULTIVERSE. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

22) All Documents and things regarding all venues or potential venues for Applicant's MISS MULTIVERSE.

**Answer to request No. 22:** *Defendant objects to this request to the extent that it goes beyond the subject matter, Miss Multiverse is not in the business of owning, selling or renting venues or locations; therefore, the present request does not raise reasonable expectations of obtaining information that will aid solution of the dispute or discovery of admissible evidence. Subject to and without waiving the foregoing objections, Defendant responds that all companies organize fashion shows, competitions, parties, events, concerts, TV programs produced worldwide take*

*place in venues, clubs, restaurants, indoors or outdoors and so on. We therefore reason that the association of venues and brand names are not reasonable evidence of brand confusion. In addition, many other USA pageants registered brands use venues further signifying that venues are not relevant to confusion analysis.*

- 23) All Documents and things regarding any broadcast, including but not limited to any television broadcast or web cast, of any of Applicant's MISS MULTIVERSE Services.

***Answer to request No. 23:*** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements. Subject to and without waiving the foregoing objections, defendant responds [ii] Basic screen shot of the broadcasting contract in the USA is available within the attached exhibits that are responsive to this request. [iii] If opposer finds that full and extended version of this contract is of the essence and vital to demonstrate that MULTIVERSE supposedly has the same meaning as opposers mark, then such information requires Notarized translation from Spanish to English therefore can be provided at the expense of the requesting party. Information may be available for review by outside counsel for the parties If compelled by the court. Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues. Subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 24) Copies of any documents regarding media coverage of Applicant's MISS MULTIVERSE Services.

***Answer to request No. 24:*** Defendants object to this Interrogatory on the grounds that it is overly repeated, already asked and answered in questions 26, 27 and 28 bellow.

- 25) Samples of each and every use made by Applicant of the mark MISS MULTIVERSE Mark in connection with the MISS MULTIVERSE Services, including all advertising, promotional materials, solicitations and the like.

***Answer to request No. 25:*** Defendants object to this Interrogatory on the grounds that it is overly repeated, already asked and answered in questions 26, 27 and 28 bellow.

- 26) All Documents and things that refer or relate to Applicant's marketing of and future marketing plans for the MISS MULTIVERSE Services, including, but not limited to newsletters, pamphlets, brochures, Internet websites, packaging, marketing research, surveys, promotional materials, advertisements and circulars.

***Answer to request No. 26:*** Defendants object to this Interrogatory on the grounds that it seeks the disclosure of information that is confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to such objection and without waiving same, Defendant responds to the remaining part of the request as follows: Opposer is the party

*who has to demonstrate that a news letter, pamphlets, brochures, packaging, promotional materials, advertisements and/or circulars have been brought to their attention and raised their motivation to lawfully file claims of brand confusion. In the mean time the foregoing case does not provide to the opposer rights to freely perform "private information fishing" in to our email accounts or private information. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 27) All Documents and things that refer or relate to Applicant's use, promotion and/or future marketing plans for MISS MULTIVERSE Services, including, but not limited to newsletters, pamphlets, brochures, Internet websites, packaging, marketing research, surveys, promotional materials, advertisements and circulars.

***Answer to request No. 27:*** Defendants object to this Interrogatory on the grounds that it seeks the disclosure of information that are confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to such objection and without waiving same, Defendant responds to the remaining part of the request as follows: [ii] Opposer is the party who has to demonstrate that a news letter, pamphlets, brochures, packaging, promotional materials, advertisements and/or circulars have been brought to their attention and raised their motivation to lawfully file claims of brand confusion. In the mean time the foregoing case is not a case that would allow to the opposer rights to freely perform "private information fishing" in to our email accounts or private information. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 28) All Documents and things concerning Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

***Answer to request No. 28:*** Defendant object to this Request on the grounds that it seeks disclosure of confidential business information protected by the work product privileges and/or confidentiality agreements with third parties. Subject to such objection and without waiving same,

*Defendant responds as follows. Further information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 29) All Documents and things showing sales or licenses of MISS MULTIVERSE Services, including, but not limited to contracts, invoices, purchase orders, price lists, bills of sale, receipts, and other agreements.

***Answer to request No. 29:*** *Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer’s claims of “brand confusion” All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 30) All Documents and things which relate to or reveal the individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services, including, but not limited to documents identifying the names and addresses of such individuals, firms, and/or entities.

***Answer to request No. 30:*** *Defendant object to this Request on the grounds that it seeks disclosure of confidential business information protected by the work product privileges and/or confidentiality agreements with third parties. Subject to such objection and without waiving same, Defendant responds as follows: [i] further information may be readily available within the attached exhibits that are responsive to this request for example links and screen shot of the contract. [ii] further information may be already answered in the Interrogatory Question of the other defendant's first set of interrogatories. Further information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter*

*400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 31) All Documents and things showing the gross revenue generated from the sale of MISS MULTIVERSE Services, including, but not limited to invoices, receipts, purchase orders, tax returns, general ledgers, bank statements, contracts, agreements and financial statements.

***Answer to request No. 31:** Defendant object to this Request on the grounds that it seeks disclosure of confidential financial business information protected by the work product privileges and/or confidentiality agreements. Subject to such objection and without waiving same, Defendant responds as follows: [i]The foregoing case is an unfounded opposition claiming that MULTIVERSE has the same meaning as opposers mark, [ii] therefore this is not a tax evasion case where all financial information has to be disclosed and scrutinized. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 32) All Documents and things showing the projected gross revenue to be generated from MISS MULTIVERSE Services.

***Answer to request No. 32:** Defendant object to this Request on the grounds that it seeks disclosure of confidential financial business information protected by the work product privileges and/or confidentiality agreements, Subject to such objection and without waiving same, Defendant responds as follows. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 33) All Documents and things which constitute or relate or refer to any assignment, license, or other transfer of any rights to or from Applicant in connection with the MISS MULTIVERSE Mark.



**Answer to request No. 33:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 34) All Documents and things, which relate or refer to any use by any third party of the MISS MULTIVERSE Mark.

**Answer to request No. 34:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 35) All Documents and things evidencing, referring or relating to instances of Applicant's knowledge of Opposer's Miss Universe Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's Miss Universe Mark.

**Answer to request No. 35:** Defendants objects on the basis and to the extend that the information requested requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, Defendant responds as follows: Defendant does not have any documents referring to opposers mark and pageants, other than opposers opposition documents found on the USPTO website.

- 36) All Documents and things which relate or refer to any instances in which a person or business entity has inquired about, commented upon or referred to any relationship between Applicant's MISS MULTIVERSE Services, and Opposer's Miss Universe pageants.

***Answer to request No. 36:** Defendants objects on the basis and to the extend that the information requested requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Defendant objects on the basis and to the extent that the information as requested by opposer improperly implies that a supposed business or person may have contacted applicant with an alleged instance of a relation among both marks. Subject to such objection and without waiving same, Defendant responds as follows: Defendant hereby states that no such inquiries or instances have ever been received by the Defendant or addressed to the Defendant.*

- 37) All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

***Answer to request No. 37:** The information sought is publically available to both parties in the USPTO website and easily accessible via the trademark tools and links. Subject to and without waiving the foregoing objections, Defendant response that Information that Defendant is able to provide excluding evidence that Defendant reserves with intends to offer at trial may be readily available within the attached exhibits that are responsive to this request.*

- 38) All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's Miss Universe pageant.

***Answer to request No. 38:** Defendants objects on the basis and to the extend that the information requested improperly requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, Defendant responds as follows: Information that Defendant is able to provide excluding evidence that Defendant reserves with intends to offer at trial may be readily available within the attached exhibits that are responsive to this request.*

- 39) Copies of any insurance policies pursuant to which an insurance company may be liable to cover Applicant's defense in the Opposition proceeding.

***Answer to request No. 39:** Defendants object to this Request on the grounds that it seeks disclosure of confidential business information, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 40) All documents consulted or referred to by Applicant in connection with preparing its responses to Opposer's First Set of Requests for Production of Documents.

*Answer to request No. 40: Defendants objects on the basis and to the extend that the information requested requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, Defendant responds as follows: Information that Defendant is able to provide excluding evidence that Defendant reserves with intends to offer at trial may be readily available within the attached exhibits that are responsive to this request.*

**Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

**Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Waren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com) ) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*

Revised and resend to opposer on: January 18, 2016

  
MISS & MRS  
LINDA GRANDIA  
GG EXCHANGE

Dated: December 20, 2015

By: \_\_\_\_\_  
Linda Grandia **Applicant**

Respectfully submitted,  
/Linda Grandia/  
Kepplerstreet 13, 3817TA, Amersfoort,  
The Netherlands,  
Phone: 011 31 6 380 56 135 Email:  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re: Application Serial No. 86/235,052**  
**Mark: MISS MULTIVERSE**

<b>MISS UNIVERSE L.P., LLLP,</b>	)	<b>Opposition No. 91220573</b>
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LINDA GRANDIA,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	
_____	)	

**DEFENDANTS RESPONSES TO DEFENDANT'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
MISS MULTIVERSE TRADEMARK**

Amersfoort, The Netherlands, December 20, 2015

Revised and resend to opposer on: January 18, 2016

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

The following responses are made solely for the purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

## GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## REQUESTS FOR REVISION OF ANSWERS STATEMENT

The answers herein have been Revised and resend to opposer on: January 19, 2016

Defendant has reviewed opposers letter send on January 12, 2016 reacting to the Defendant's interrogatories answers, whereas such interrogatory answers are formulated by the Defendant in good faith and to the best of Defendant's abilities considering that it takes more research time for the Defendant since they are

representing them selves as means of necessary precautions to not be lead towards unnecessary legal expenditures; therefore any small delays or legal wording shall not be deemed as intentional or used as justification to misrepresent the overall meaning of defendants answers within the subject matter. For example; when opposer does not disclose information it is because such information is private, can be replicated by third parties or vulnerable to divulgation and therefore "In plain English" we do not entrust third parties with our private information such as opposers employees or legal team, we can however gladly make information that is absolutely mandatory and required by law available to a designated impartial expert of the court"

In addition, opposers letter demands a short deadline to revise more than 70 legal questions within 4 working days. Defendant makes the observation, that Opposer has not yet provided answers to the Defendants discovery questions, and thus placing the Defendant within the disadvantage point of providing answers in advance. Defendant also brings forth that Defendants interrogatory questions send to the opposing party have been to the point, reasonable and not excessive in order to avoid unnecessary expenditure of time, money and legal fees for the opposing party and to not frustrate the foregoing proceedings; in the other hand, opposer is requesting unnecessary abundant information; such as, all of defendant, financials, emails and letters since the beginning of time and so on; to the extend, as if defendant has to provide boxes of documents to the federal tax office for a tax evasion case, as if this is all required to evaluate the pronunciation or words, meanings of words, public survey or draw the attention away from the fact that there are so many pageants registered with the word (**Miss - Verse and even Universe**); all of this is regarded as a fishing expedition or leading defendant towards unnecessary expenditure of time, finances and human resources.

Opposers letter impolitely **accuse Defendant** "in writing" as registering in bad faith as if Opposer has any evidence to sustain such false and defamatory claims. Defendant resent such accusations which is improper as to the extent that it falsely and misleadingly frames defendant's character intent and good ethical business practices; therefore, defendant makes the observation that such harsh accusations accompanied by threats of litigation, unfounded accusations and legal tactics are regarded as bad faith bully business practice.

## INTERROGATORIES

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Respondents") respond and object to Complaint Counsel's Request for Interrogatories ("Interrogatories") as set forth below.

- 1) Identify all persons with knowledge of Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark.

**Answer to interrogatory No. 1:** *Mrs. Linda Grandia, created, designed, developed prepared and analyzed The Miss Multiverse Marks.*

- 2) Describe fully the facts and circumstances surrounding the creation, design, development, selection and adoption of the MISS MULTIVERSE Mark.

**Answer to interrogatory No. 2:** *Mrs. Linda Grandia in the search for a brand name for her personality contest came across a documentary about a new theory called the Multiverse, meaning multiple dimensions. Mrs. Grandia associated the modern theory of The Multiverse with the multi-talents and the multi-capabilities that make modern women of today multifaceted to describe the women participating in her contest. The word Multiverse and its theory, meaning and pronunciation, was relatively new, barely unheard of, non popular, had no meaning in pageantry and therefore had no association or use by any pageant organization in any way shape or form. Linda Grandia primary intend was to create a new mark with her unique own concept with no likelihood of association with any existing mark or pageants. Defendants primary mission is to distant the image of her mark from all traditional pageants including opposers mark and prefers the use of personality competition, super model and beauty queen, instead of pageantry; since the word pageant and pageant contestants have to a certain extend the reputation of being ridiculed as showcasing women that cannot properly answer basic questions or measuring up to the modeling industry standards, some times breading scandals and law suits.*

- 3) Explain the relationship between Applicant and G & G Exchange.

**Answer to interrogatory No. 3:** *The trademark Miss Multiverse is owned by Linda Grandia, Mrs. Linda Grandia is also the CEO of G&G Exchange*

- 4) Identify all officers, board members, investors, and donors of G & G Exchange.

**Answer to interrogatory No. 4:** *Defendants respond to this Interrogatory as follows: Mrs. Linda Grandia is the CEO of G&G Exchange and the relevant contact person related to the present proceedings.*

- 5) Identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

***Answer to interrogatory No. 5:*** Defendants object to this Interrogatory as follow: [i] an employer of The Netherlands and our policies do not allow the disclosure of information subject to non-disclosure employee or contractor's information of third parties not involved in the subject matter unless previously specified to the third party that they bare such responsibility. [ii] Mrs. Linda Grandia is the person responsible in all matters related to the MISS MULTIVERSE mark.

- 6) State with particularity the expenses and revenues associated with the MISS MULTIVERSE television show.

***Answer to interrogatory No. 6:*** Defendant object to this Interrogatory to the extend that it seeks protected and privileged financial information and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

- 7) State with particularity the expenses and revenues associated with each of the MISS MULTIVERSE pageants, segregated by year and pageant name.

***Answer to interrogatory No. 7:*** Defendant object to this Interrogatory to the extend that it seeks protected and privileged financial information and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

- 8) Describe fully the facts and circumstances surrounding Applicant's filing an application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

***Answer to interrogatory No. 8:*** Investigation towards the prior use or existing use of the Miss Multiverse trademark was extensively researched and no grounds to doubt the originality of the trademark were found. The use of the word Multiverse and its theory, meaning and pronunciation were as good as new. Therefore, the Mark was registered in The Benelux following all the pertinent trademark laws of The Benelux and consequently accepted by the Benelux Trademark office. The Defendant has conducted numerous public activities through the years and has received no complaints, remarks or claims of confusion. Defendant registered in The USA where no extraordinary eventualities out of the normal registration proceedings took place, in all cases the USPTO found no grounds of conflicts with other brands and accepted defendant's application. Opposer interrupted the Applicant's process in the USPTO by means of claiming brand confusion whereas no evidence substantiating such claims has been



*shown to applicant. Further information is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links.*

- 9) Describe in detail the manner in which you use, have used, and/or plan to use the domain name missmultiverse.com

***Answer to interrogatory No. 9:*** *The domain [www.MissMultiverse.com](http://www.MissMultiverse.com) has ben used and will continue to be used to identify the IP address hosting The Miss Multiverse Website and to receive the redirection of other web addresses owned by Miss Multiverse in the USA such as [www.MissMultiverse.US](http://www.MissMultiverse.US) targeting and providing entertainment services to millions of consumers in the USA.*

- 10) State whether you have transferred or sold the domain name missmultiverse.com , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 10:*** *Domain has not been transferred or sold.*

- 11) Describe in detail the manner in which you use, have used, and/or plan to use the domain name msmultiverse.com

***Answer to interrogatory No. 11:*** *The domain [www.MsMultiverse.com](http://www.MsMultiverse.com) (Ms) has been used and will continue to be used to redirect the population of English speaking consumers from the USA that have interest in contests for women that are "completely different" to other contest. These particular consumers are specifically seeking for contest that accept women ages above other competitions and accept women that have been previously married or with children. These Consumers land at the domain [www.MsMultiverse.com](http://www.MsMultiverse.com) and are then redirected to the IP address of the Miss Multiverse international website [www.MissMultiverse.com](http://www.MissMultiverse.com) .*

- 12) State whether you have transferred or sold the domain name msmultiverse.com , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 12:*** *Domain has not been transferred or sold.*

- 13) Describe in detail the manner in which you use, have used, and/or plan to use the domain name mrsmultiverse.com .

*The domain [www.MrsMultiverse.com](http://www.MrsMultiverse.com) (Mrs) has been used and will continue to be used to redirect the population of English speaking consumers from the USA that have particular interest in contests for women that are "different" to other contest. These consumers are specifically seeking for contest that accept women that married, with ages above other competitions and accept women with children. These Consumers land at the domain [www.MrsMultiverse.com](http://www.MrsMultiverse.com) and are then redirected to the IP address of the Miss Multiverse international website [www.MissMultiverse.com](http://www.MissMultiverse.com) .*

- 14) State whether you have transferred or sold the domain name [mrsmultiverse.com](http://mrsmultiverse.com) , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 14:*** *Domain has not been transferred or sold.*

- 15) Describe in detail the nature and extent of Applicant's use or plans to use the name, mark or title MISS MULTIVERSE.

***Answer to interrogatory No. 15:***

*MARK - Name of the Miss Multiverse competition*

*TITLE – Awarded to the 10 winners of the Miss Multiverse competition.*

- 16) Describe in detail the nature and extent of Applicant's use or plans to use the name, mark or title MISS MULTIVERSE USA.

***Answer to interrogatory No. 16:*** *TITLE awarded to the contestant representing AMERICA. Similar to how all international contestants represent their title in their country, regardless of where the international event takes place. The actual title is MISS MULTIVERSE AMERICA not USA.*

- 17) Identify the person with most knowledge regarding Applicant's use or planned use of the MISS MULTIVERSE Mark, including anticipated date of Applicant's first use.

***Answer to interrogatory No. 17:*** *Mrs. Linda Grandia is the person with most knowledge regarding planned use of the Miss Multiverse mark including the anticipated date of first use.*

- 18) Identify the person with the most knowledge regarding the format of Applicant's MISS MULTIVERSE pageants, including any preliminary contests, if any.

***Answer to interrogatory No. 18:***

*(a) Mrs. Linda Grandia is the person with most knowledge regarding the format of Miss Multiverse. (b) Miss Multiverse process is different than other competitions and does not hold preliminary contest.*

- 19) State whether Applicant's MISS MULTIVERSE pageants have been broadcast via television, internet or any other means, including: (a) title of the pageant; (b) the date of each broadcast; (c) manner of broadcast; (d) vehicle of broadcast; and (e) all media where each pageant was broadcast.

***Answer to interrogatory No. 19:*** Defendants object to this Interrogatory as being overly broad. To collect all information worldwide in order to comply with the request would be an undue burden and expense on the Defendant. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, our activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters; Miss Multiverse Mark was broadcasted in the USA nationwide in 2012 and 2013 via TV cable partners of Super Canal. Miss Multiverse has a US domain targeting exclusively the USA [www.missmultiverse.us](http://www.missmultiverse.us); furthermore, Miss Multiverse reaches the USA via online video streaming with <http://missmultiverse.vhx.tv> Miss Multiverse is also distributed online via multiple platforms in the worldwide open public media space and second screen online channels; such as, YouTube, Daily-Motion and has an exclusive Yuuzoo network targeting the the USA, furthermore numerous social media platforms including Facebook, Google+ Twitter reaching consumers in the USA and worldwide. If opposer finds such information to be of the essence and vital to substantiate how the word MULTIVERSE supposedly has the same meaning as opposers mark, then such information can be sourced by opposer since it is widely available online at the expense of the requesting party. Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) “the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.”

- 20) List all sponsors or parties solicited to be sponsors of Applicant's MISS MULTIVERSE pageants.

***Answer to interrogatory No. 20:*** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of “brand confusion” Subject to and without waiving the foregoing objections,

*defendant responds that Opposer is the party who has to demonstrate that sponsors have been approached by MISS MULTIVERSE to pay or support MISS MULTIVERSE and that such sponsors claimed to be confused thinking they were sponsoring Opposers mark instead of MISS MULTIVERSE. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 21) List all venues or potential venues for Applicant's MISS MULTIVERSE pageants, by year and pageant name.

***Answer to interrogatory No. 21:*** Defendant object to this Interrogatory as question is already answered as irrelevant in the Interrogatory Question No 22 of the other defendant's first set of interrogatories.

- 22) Describe in detail each and every use made by Applicant of the MISS MULTIVERSE Mark in connection with television shows.

***Answer to interrogatory No. 22:*** Defendants object to this Interrogatory as being overly broad. To collect all information worldwide in order to comply with the request would be an undue burden and expense on the Defendant. Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, Miss Multiverse activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters; as well as, distributed online via multiple platforms in the worldwide open public media space. If such information is of the essence for opposer such information can be sought by opposer on their own time and expense since it is found in the public domain.

- 23) Identify the individuals with most knowledge regarding Applicant's promotion and future marketing plans for the MISS MULTIVERSE Mark.

***Answer to interrogatory No. 23:*** Mrs. Linda Grandia is the person with most knowledge regarding future marketing plans for the Miss Multiverse Mark.

24) Identify the person with most knowledge regarding Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

*Answer to interrogatory No. 24: Mrs. Linda Grandia is the person with most knowledge regarding advertising and promotional expenditures relating to Miss Multiverse Services.*

25) Identify all venues where Applicant's MISS MULTIVERSE pageants have been held.

*Answer to interrogatory No. 25: Please find answer in Interrogatory question No21*

26) Identify the person with most knowledge regarding sales or licenses of the MISS MULTIVERSE Services, gross revenue generated in connection with the MISS MULTIVERSE Services, and other financial information regarding G & G Exchange and Applicant's production and promotion of pageants.

*Answer to interrogatory No. 26: Mrs. Linda Grandia is the person with most knowledge regarding financial information of the MISS MULTIVERSE Services in connection with G & G Exchange.*

27) Identify all individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services.

*Answer to interrogatory No. 27: G&G Exchange manages all direct sales and business related with the Miss Multiverse Mark.*

28) Identify the newspapers, magazines, publications, websites, television and radio stations and/or shows where Applicant markets, advertises and promotes its goods and services in connection with the MISS MULTIVERSE Mark.

*Answer to interrogatory No. 28: Defendants object to this Interrogatory as being overly broad or unduly burdensome. The information sought is available to the opposing part as it is found publically in the world wide web. Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, our activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters. The Information is public, extensive and difficult to track all of them, therefore to comply with the request would be an undue burden and expense on the Defendant. If such information is of the essence for opposer such information can be sought by opposer on their own time and expense since it is found in the public domain. A party has an obligation to make a reasonable and good faith effort to obtain*

*requested information, “except where the information is not equally available to both parties.”*

- 29) Identify each use by any third party of the mark MISS MULTIVERSE, and the persons knowledgeable of such use.

***Answer to interrogatory No. 29:*** *Defendant respond to this Interrogatory as follows: G&G Exchange operates the mark therefore no third parties use the mark Miss Multiverse.*

- 30) Identify any and all trademarks owned by Applicant.

***Answer to interrogatory No. 30:*** *No other trademarks are owned by Applicant.*

- 31) Identify any and all beauty pageants and contests operated and/or sponsored by Applicant.

***Answer to interrogatory No. 31:*** *Defendants object to this Interrogatory as being irrelevant to the subject matter. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: No other brands, activities or events are owned by Defendants.*

- 32) Identify any and all television programs operated, promoted or sponsored by Applicant.

***Answer to interrogatory No. 32:*** *I am Multiverse TV reality program.*

- 33) Describe the rules by which contestants must abide as participants in any and all of the beauty pageants operated and/or sponsored by Applicant, identified by pageant.

***Answer to interrogatory No. 33:*** *Please find bellow information that is readily public and therefore made available:*

***Selection:*** *Contestants are handpicked directly by the organization unlike pageant where its done by country directors. Unlike pageants where interviews take place with preliminaries, Miss Multiverse Interviews are conducted as TV audition style, related to TV program castings. Outer beauty is irrelevant, the organization seeks primarily multi-facet qualities and TV likeness such as outrageous and interesting personalities that are able to engage TV viewers.*

***Requirements:*** *Ages:* *18 to 35, unlike pageants where age limit is 26 (b) Relationship status: Can be single, married, divorced, widowed, allowed to have children unlike*

*pageant where women are limited to be single and cannot have children in order to participate. (c) Minimum height: 1.70m unlike pageants where minimum height is 1.65m (d) Education: Mandatory University level education, unlike pageants where high school level as minimum is required. (e) Language: Fully understand and speaking English. Unlike pageants where language is not relevant since they provide a translator.*

***Rules:*** *Be your self, follow the planed schedule and TV script.*

- 34) Describe in detail the format of Applicant's MISS MULTIVERSE pageants, including preliminary pageants if any.

***Answer to interrogatory No. 34:*** *Defendants object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: Miss Multiverse does not hold preliminary pageants, Defendants major mission is to distant the image of her mark from traditional pageants and prefers the use of competition instead of pageant, since the word pageant and pageant contestant has a tendency of being ridiculed. Miss Multiverse does not have the same format each year, our concept continues to evolve regularly and has transformed in to a TV program that follows a personality contest. Traditional pageants are held on stage showcasing women on bikini and evening gowns, within a live show that culminates with one winner. Miss Multiverse takes place outdoors and does not culminate or expires, it begins with 10 winners that receive the Miss Multiverse Title and this is only the beginning of the story. Further information is classified and protected under privacy.*

- 35) Describe fully Applicant's knowledge of Opposer's Miss Universe Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's Miss Universe Marks.

***Answer to interrogatory No. 35:*** *Defendant objects to this discovery request as phrased is argumentative. It requires the adoption of an assumption, which is improper as to the extent that it assumes that applicant is an aficionado, connoisseur or collector of documents and things of opposers mark.*

- 36) State whether Applicant has received any communication from any third party of any nature whatsoever which mentions or otherwise concerns Opposer or Opposer's Miss Universe Marks and, if so, describe fully those instances including name of individual,

the person receiving the communication, date of communication, and nature of communication, including any alleged instances of actual confusion.

**Answer to interrogatory No. 36:** *Defendant objects to this discovery request as argumentative as it requires the adoption of an assumption, which is improper as to the extent that it falsely and misleadingly assumes that applicant has received or witnessed an alleged instance of mark confusion. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: Applicant has never received or witnessed in any way, shape or form any written communication or verbal information with any instances or traces mentioning opposers mark or mentioning any remote possibility of resemblance or likelihood of confusion.*

- 37) Identify any rights in the MISS MULTIVERSE Mark which Applicant has granted to any third party or acquired from any third party, including, but not limited to licenses, assignments, and security interests, and the persons knowledgeable concerning each grant or acquisition.

**Answer to interrogatory No. 37:** *Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 38) All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

**Answer to interrogatory No. 38:** Duplicate The information sought is answered in opposer first production of document request question No. 37.

- 39) All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's Miss Universe Pageant, Miss Usa Pageant or Miss Teen Usa Pageant. .



***Answer to interrogatory No. 39:*** G&G Exchange is not in possession of documents or things regarding Opposer other than those listed on the trademark office website and/or publicly available.

- 40) Identify any insurance policies pursuant to which an insurance company may be liable to cover Applicant's legal fees in connection with this Opposition proceeding.

***Answer to interrogatory No. 40:*** Defendants object to this request on the grounds that it seeks disclosure of confidential business information and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

- 41) Identify each legal proceeding to which Applicant has been a party.

***Answer to interrogatory No. 41:*** Defendants has no legal proceedings.

- 42) Identify any and all persons with knowledge concerning the facts which support Applicant's denial of any allegation in the Notices of Opposition and the facts as to which each has knowledge.

***Answer to interrogatory No. 42:*** Mrs. Linda Grandia is the relevant contact person with knowledge related to the present proceedings.

- 43) Explain in detail all plans Applicant has to expand the nature of its pageant services or television shows and/or the channels of trade and media where its services are promoted or offered for sale, broadcast, or advertised.

***Answer to interrogatory No. 43:*** Defendants object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: The TV program "I am Multiverse" is not part of current proceedings. [ii] Defendants primary expansion mission is to distant the image of her mark from pageants since it has a reputation of being ridiculed as showcasing women that cannot properly answer basic questions. Not measuring up to modeling standards, breading scandals and law suits.

44) Identify all persons who assisted in preparing Applicant's responses to Opposer's First Set of Interrogatories, and produce all documents consulted or referred to by Applicant in connection with preparing its responses to Opposer's First Set of Interrogatory

***Answer to interrogatory No. 44: Mrs. Linda Grandia is the person producing documents and preparing responses to Opposer's First Set of Interrogations.***

### **Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

### **Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Warren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com)) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*

Revised and resend to opposer on: January 18, 2016



Dated: \_\_\_\_\_ December 20, 2015

By: \_\_\_\_\_  
Linda Grandia  
**Applicant**

Respectfully submitted,  
/Linda Grandia/  
Kepplerstreet 13, 3817TA,  
Amersfoort, The Netherlands,  
Phone: 011 31 6 380 56 135  
Email: [info@missmultiverse.com](mailto:info@missmultiverse.com)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re: Application Serial No. 86/235,052**  
**Mark: MISS MULTIVERSE**

<b>MISS UNIVERSE L.P., LLLP,</b>	)	<b>Opposition No. 91220573</b>
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LINDA GRANDIA,</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

\_\_\_\_\_)

**PLAINTIFFS RESPONSES TO DEFENDANT'S FIRST REQUESTS FOR ADMISSIONS**

**MISS MULTIVERSE TRADEMARK**

Amersfoort, The Netherlands, December 20, 2015

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

The answers herein have been Revised and resend to opposer on: January 19, 2016

The following responses are made solely for the purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

## GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## REQUESTS FOR REVISION OF ANSWERS STATEMENT

The answers herein have been Revised and resend to opposer on: January 19, 2016

Defendant has reviewed opposers letter send on January 12, 2016 reacting to the Defendant's interrogatories answers, whereas such interrogatory answers are formulated by the Defendant in good faith and to the best of Defendant's abilities considering that it takes more research time for the Defendant since they are representing them selves as means of necessary precautions to not be lead towards unnecessary legal expenditures; therefore any small delays or legal wording shall not be deemed as intentional or used as justification to misrepresent the overall meaning of defendants answers within the subject matter. For example; when opposer does not disclose information it is because such information is private, can be replicated by third parties or vulnerable to divulgation and therefore "In plain English" we do not entrust third parties with our private information such as opposers employees or legal team, we can however gladly make information that is absolutely mandatory and required by law available to a designated impartial expert of the court"

In addition, opposers letter demands a short deadline to revise more than 70 legal questions within 4 working days. Defendant makes the observation, that Opposer has not yet provided answers to the Defendants discovery questions, and thus placing the Defendant within the disadvantage point of providing answers in advance. Defendant also brings forth that Defendants interrogatory questions send to the opposing party have been to the point, reasonable and not excessive in order to avoid unnecessary expenditure of time, money and legal fees for the opposing party and to not frustrate the foregoing proceedings; in the other hand, opposer is requesting unnecessary abundant information; such as, all of defendant, financials, emails and letters since the beginning of time and so on; to the extend, as if defendant has to provide boxes of documents to the federal tax office for a tax evasion case, as if this is all required to evaluate the pronunciation or words, meanings of words, public survey or draw the attention away from the fact that there are so many pageants registered with the word (**Miss - Verse and even Universe**); all of this is regarded as a fishing expedition or leading defendant towards unnecessary expenditure of time, finances and human resources.

Opposers letter impolitely **accuse Defendant** "in writing" as registering in bad faith as if Opposer has any evidence to sustain such false and defamatory claims. Defendant resent such accusations which is improper as to the extent that it falsely and misleadingly frames defendant's character intent and good ethical business practices; therefore, defendant makes the observation that such harsh accusations accompanied by threats of litigation, unfounded accusations and legal tactics are regarded as bad faith bully business practice.

## REQUESTS FOR ADMISSION

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Respondents") respond and object to Complaint Counsel's Request for Admissions ("Requests") as set forth below.

- 1) 1. Admit that Opposer has used its Miss Universe mark since at least as early as 1952.

*Respondents object to this Request as vague and ambiguous with respect to the phrase "**as early as 1952.**" to the extent that it suggests that Respondent is an aficionado or connoisseur of opposers mark to know their history, further assuming that opposers mark is of fundamental public interest and a must know topic the defendant has to know and/or suggests that applicant follows up with the history of many other pageants in the USA that use the highly diluted words "miss and verse" such as Miss University, Queen of the Universe Mrs. US Universe, Pageant Universe or the overwhelming number of beauty pageants worldwide; therefore, respondent deny this request.*

*As per request of opposer letter send on January 12, 2016, defendant has visited opposers website and fount the following statement "**In 1952, Catalina Swimsuits, formerly a sponsor of Miss America, founded Miss Universe and Miss USA in Long Beach, California.**" if this information found in the FAQ page of opposers website is correct defendant hereby admit. The statement found simultaneously declares that opposer is not the originator of the general pageant concept.*

- 2) 2. Admit that Applicant was a contestant in the Miss Universe Netherlands 1994 pageant.

*Respondents object to this Request as vague and ambiguous with respect to the definition of "**contestant in the Miss Universe Netherlands**" to the extent that it misrepresents a legal conclusion and therefore deny it. Subject to and without waiving the foregoing objection, Respondent states that The Miss Netherlands is a local and independent event company of The Netherlands holding the Miss Netherlands competition and sending their top winners to several different international competitions worldwide. Mrs. Linda Grandia was not among the winners of any of their events and did not enter any International Competition; therefore, defendant hereby denies.*

*As per request of opposer letter send on January 12, 2016 Defendant includes the following: Mrs. Grandia was a contestant in the Miss Netherlands 1994. The Miss Netherlands is a local and independent event company of which the winner went to represent The Netherlands abroad, Mrs. Grandia did not win, her title was that of Miss Utrecht not Miss Universe Netherlands.*

- 3) 3. Admit that Applicant had knowledge of Opposer's use of its Miss Universe Mark prior to Applicant's creation, selection and adoption of the MISS MULTIVERSE Mark.

*Respondents object to this request as vague and ambiguous as to the term "use of" implies a generalized geographic market. Respondent objects to the phrase "had knowledge of" as it wrongly assumes that applicant is an aficionado of opposers mark and therefore connoisseur of opposers mark. Respondent objects to the phrase "prior to Applicant's creation" to the extend that it wrongly implies that before Applicant registered the mark in The Benelux, applicant was aware of opposers internal company information; such as, where (countries) or when (dates) opposers mark was used, formally registered, under what registration classes or if it was legally registered at all. Subject to and without waiving the foregoing objections, Respondent deny.*

*As per request of opposer letter send on January 12, 2016 defendant hereby includes the following: prior to registration process in the Benelux, defendant had no knowledge of the whereabouts nor inside information of opposers mark: Defendant sustains that during the research made for the Benelux registration and in order to find if there were conflicting marks with Miss Multiverse, whereas defendant resolved and concluded that the words "miss and verse" including **Universe** was used by many pageants; such as **Miss University**, **Queen of the Universe Mrs. US Universe**, **Pageant Universe**, as well as an overwhelming number of beauty pageants worldwide where opposers mark was one of the multitude of pageant organizations with the word (**Verse**). Defendant did not find any pageant marks with Multi or Multiverse and or using super model and beauty queen and or reality TV programs; therefore, respondent deny this request.*

- 4) 4. Admit that Applicant had knowledge of Opposer's registration of its Miss Universe Mark prior to Applicant's creation, selection and adoption of the MISS MULTIVERSE Mark.

*Respondents object to the term "had knowledge of" to the extent that it assumes that applicant is an aficionado or connoisseur of opposers mark. "had knowledge of" also implies a conclusion that the term "registration of" constitutes a geographic market that includes the Benelux where Applicant first register the Miss Multiverse Mark. Respondent objects to the term "prior to Applicants creation" to the extend that it wrongly suggests that Applicant was during the time of registration of their mark in possession of opposers internal information; such as, where (countries) or when (dates) opposers mark was registered, under what registration classes or if it was legally registered at all. The phrase "prior to Applicants creation" also implies that Applicant did not act in good faith while registering its Mark in the Benelux trademark organization. Subject to and without waiving the foregoing objections, Respondent deny.*

*As per request of opposer letter send on January 12, 2016 defendant hereby includes the following: prior to registration process in the Benelux, defendant had no knowledge of the whereabouts nor inside information of opposers registered mark: Defendant sustains that during the research made for the Benelux registration and in order to find if there were conflicting marks with Miss Multiverse, whereas defendant resolved and concluded that the words "miss and verse" including **Universe** was used by many pageants; such as **Miss University**, **Queen of the Universe Mrs. US Universe**, **Pageant Universe**, as well as an*

*overwhelming number of beauty pageants worldwide where opposers mark was one of the multitude of pageant organizations with the word (**Verse**). Defendant did not find any pageant marks with Multi or Multiverse and or using super model and beauty queen and or reality TV programs; therefore, respondent deny this request.*

- 5) 5. Admit that Applicant's MISS MULTIVERSE pageant is an international beauty contest where women from different countries compete for the title of MISS MULTIVERSE.

*Respondent object to this Request as vague and ambiguous as to the term "**pageant**" may divert the fact that the words "contest and pageant" have the same meaning and therefore implies that opposer has preferential rights to all formats in the USA or world wide before any other companies organizing events that involves women competing in any shape, way or form. The first pageant in the USA was Miss World soon after their successful event many other companies in the USA **replicated their concept** and still use the same format today. Applicant cannot admit or deny if opposers pageant was one of those that emerged as a replica soon after the Miss World, it is hard to tell by the respondent since the use of the word **Miss** followed by the name of the contestant's **country** featured with a show on stage was and still is widely used by hundreds or maybe thousands of pageants.*

*Respondent object to this Request as vague and ambiguous as to the phrase "**beauty contest**" implies that a contest can only be about beauty and that a TV program, live show or women's event can only be structured in one particular format similar to the format used by opposer and in no other possible way, when in reality there are numerous creative formats and themes possible.*

*Respondent also object to the phrase "**women from different countries**." As it implies that there are no other possible regional formats, standards and criteria's for the selection of contestant's eligibility that are different to the procedures used by opposer.*

*Respondent also object to the phrase "**women compete**." As it implies that there are no other challenges, tests, adventures and/or competition formats that are different in many ways to the format used by opposer to determine who wins the title. Respondent also object to the phrase "**for the title**." As it inaccurate implies that Miss Multiverse grants only one title to one winner and that there are no other means to reward the winners in a different way to how opposer rewards its winner. Miss Multiverse titles are granted to 10 winners that become the 10 (ten) official Miss Multiverse Models. Opposer only provides one single Miss Universe Title to one winner who becomes the one and only Miss Universe. Subject to and without waiving the foregoing objections, Respondent deny.*

- 6) 6. Admit that Applicant's MISS MULTIVERSE pageants feature a swimsuit competition, evening gown competition and personal interview round.

*Respondent object to this Request as vague and ambiguous as it implies that a pageant can only be structured in one particular format and that it has to be similar to the format used by opposer and no other possibility exists. This also implies that companies are static and do not re-invent them selves or transform in to new and unique concepts. Subject to and without waiving the foregoing objections, Respondent deny and states that featuring swimsuit, evening gowns and personal interviews has not worked for Miss Multiverse in the past, this is generally criticized as the objectification of women; therefore, Miss Multiverse has evolved to a new and modern concept far different than opposers show. For the avoidance of doubt, for Miss Multiverse, outer*



*beauty, age or marital status are irrelevant, the program seeks internal qualities and TV likeness such as outrageous and interesting personalities that are able to engage TV viewers; therefore, features primarily women actively engaged in a series of challenges and tests that are original and created by Miss Multiverse. Opposers show primarily features a live event with women using bikini and dresses on stage. Subject to and without waiving the foregoing objections, Respondent deny.*

- 7) 7. Admit that Applicant intends to advertise, promote and/or sell goods and/or services using the MISS MULTIVERSE Mark via the Internet and/or broadcasted television.

*Respondent object to this Request as vague and inaccurate as it implies that Applicant has not been **already** promoting worldwide, advertising and selling goods using the Miss Multiverse Mark **since 2012**, across multiple platforms; such as, cable TV broadcasting in the USA via Super Canal and their partnering networks, also reaching online consumers via video streaming with [www.missmultiverse.vhx.tv](http://www.missmultiverse.vhx.tv) furthermore reaching second screen consumers via online channels; such as, YouTube and Daily-Motion. It also implies that Applicant has not been offering services via Miss Multiverse international website [www.missmultiverse.com](http://www.missmultiverse.com), and reaching American consumers with its exclusive domain for the USA [www.missmultiverse.us](http://www.missmultiverse.us) and offering products via its online merchandising store [www.zazzle.com/missmultiverse](http://www.zazzle.com/missmultiverse) Subject to and without waiving the foregoing objections, Respondent deny.*

- 8) 8. Admit that to date, Applicant has used the MISS MULTIVERSE Mark only in 3 NYO I \OrteK\4227833.1 connection with advertising or promotion of services in the United States.

*Respondent object to this Request as vague and inaccurate as it implies that Applicant has not used the Miss Multiverse Mark broadcasted in the USA nationwide via TV cable partners of Super Canal. Subject to and without waiving the foregoing objections, Respondent states that Miss Multiverse has an exclusive domain targeting the USA [www.missmultiverse.us](http://www.missmultiverse.us); furthermore, Miss Multiverse has contestants from the USA promoting Miss Multiverse in the USA since 2011, Miss Multiverse also reaches the USA via online video streaming with <http://missmultiverse.vhx.tv> and Miss Multiverse second screen online channels such as YouTube and Daily-Motion; furthermore it implies that Applicant has not been offering services via Miss Multiverse international website [www.missmultiverse.com](http://www.missmultiverse.com) and products via its online merchandising store <http://www.zazzle.com/missmultiverse> and Yuuzoo network exclusive for the USA, It also implies that the numerous social media platforms such as Facebook, Google+ Twitter and many more are not reaching millions of consumers in the USA. Subject to and without waiving the foregoing objections, Respondent deny.*

- 9) 9. Admit that to date, Applicant has provided none of the services Applicant promotes under the MISS MULTIVERSE Mark in the United States.

*Respondent object to this Request as vague and inaccurate as it implies that Applicant has not provided services to its primary customer which are the contestants residing in the USA since 2011, It also implies that viewers are not consumers of entertainment or that Miss Multiverse has not provided exposure and media services to its followers in the USA via its international website [www.missmultiverse.com](http://www.missmultiverse.com) and USA targeted domain [www.missmultiverse.us](http://www.missmultiverse.us), Yuuzoo*

*Network targeting the USA and numerous social media platforms targeting the USA. , It also implies that the numerous social media platforms such as Facebook, Google+ Twitter and many more are not reaching millions of consumers in the USA. Subject to and without waiving the foregoing objections, Respondent deny.*

- 10) 10. Admit that Applicant's MISS MULTIVERSE Mark is similar in sound, appearance and meaning to Opposer's Mark.

*Respondent deny this Request as it is argumentative, it requires the adoption of opposers assumptions, which are not based on facts, relevant expert deliberation or judgment from the magistrates of the trademark office. For the avoidance of doubt and without waiving the foregoing objections, Respondent denies any similarities and makes the observation that there are numerous pageant brands worldwide composed with the words "**Miss and Verse**" that are very different to opposers mark and therefore are clearly not creating mark confusion or regarded by consumers as similar in appearance and meaning regardless if they are composed of the words **Miss and Verse** some of those marks are also in the USA officially and legally registered as a trademark within the same classifications of opposers mark; such as:*

- |   |                             |
|---|-----------------------------|
| <i>(a) <b>Miss University</b></i>       | <i>TM Reg # 2873222 USA</i> |
| <i>(b) <b>Mrs. US Universal</b></i>     | <i>TM Reg # 4705586 USA</i> |
| <i>(c) <b>Queen of the Universe</b></i> | <i>TM Reg # 4227113 USA</i> |
| <i>(d) <b>Pageants Universe</b></i>     | <i>TM Reg # 3961688 USA</i> |

**Dictionary Meaning: Multiverse:** (Astronomy) *the aggregate of all existing matter, of which the universe is but a tiny fragment*

**Multiverse** is as different to **Universe** as:  
**Cocacola** (vs) **Pepsicola.** (both selling cola)  
**Multivitamin** (vs) **Plurivitamin** (both selling vitamin)

**Other known trademark court cases that have cemented such differences are as follow:**  
**Charbucks** vs **Starbucks** (both selling coffee)  
**Miss USA** vs **Miss Asia USA** (Opposers brand vs other pageant in the USA)

*Subject to the explanation above and without waiving the foregoing objections, Respondent deny.*

#### **Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

### Certificate of Service

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Warren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com) ) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*

**Revised and resend to opposer on: January 18, 2016**



MISS & MRS  
MULTIVERSE  
GG EXCHANGE

Dated: \_\_\_\_\_ December 20, 2015

By: \_\_\_\_\_  
Linda Grandia **Applicant**

Respectfully submitted,

/Linda Grandia/

Keplerstreet 13, 3817TA, Amersfoort, The Netherlands,

Phone: 011 31 6 380 56 135 Email:  
[info@missmultiverse.com](mailto:info@missmultiverse.com)

## **EXHIBIT C**



February 2, 2016

Dear Customer:

The following is the proof-of-delivery for tracking number **775495547607**.

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**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Residence
<b>Signed for by:</b>	L.GRANDIA	<b>Delivery location:</b>	AMERSFOORT
<b>Service type:</b>	FedEx International Priority	<b>Delivery date:</b>	Feb 2, 2016 11:05
<b>Special Handling:</b>	Deliver Weekday		
	Residential Delivery		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

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**Shipping Information:**

<b>Tracking number:</b>	775495547607	<b>Ship date:</b>	Jan 25, 2016
		<b>Weight:</b>	1.0 lbs/0.5 kg

**Recipient:**  
AMERSFOORT NL

**Shipper:**  
NEW YORK, NY US

**Reference**  
**Purchase order number:**

020310-5009  
90226

Thank you for choosing FedEx.

## Ortega, Kelli

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**From:** Ortega, Kelli  
**Sent:** Monday, January 25, 2016 6:57 PM  
**To:** 'info@missmultiverse.com'  
**Subject:** Miss Universe L.P., LLLP v. Linda Grandia  
**Attachments:** Opposer's Responses to Applicant's Requests for Admission.pdf

Dear Ms. Grandia:

Please find attached Opposer's Responses to Applicant's Requests for Admission. We are sending the original to you via FedEx.

Sincerely,  
Kelli Ortega

**KELLEY**  
**DRYE**

**Kelli Ortega**

Kelley Drye & Warren LLP  
101 Park Avenue, 27th Floor  
New York, NY 10178  
(212) 808-7755 | [kortega@kelleydrye.com](mailto:kortega@kelleydrye.com)  
[Website](#)